



HEARING EXAMINER
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Judith A. Gross Trust – CR2022-0029

The Canyon County Hearing considers the following:

- 1) Conditional Rezone of the subject parcels, approximately 145.48 acres, from “A” (Agricultural) to a “CR-M-1” (Conditional Rezone – Light Industrial) zone, and
- 2) Development Agreement with conditions that restricts the uses and development within the “M-1” zone.

[CR2022-0029, 0 Allendale Road & 0 Peckham Road, Wilder (Parcel Number: R36143 & R36155), a portion of the NW¼ and the NE ¼ of Section 19, T4N, R4W, BM, Canyon County, Idaho]

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0029.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-03-07 and 09-17-19 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCZO §07-05-01
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6511.
3. Any hearing examiner appointed by the board shall perform such duties as assigned by the board pursuant to Idaho Code section 67-6520. *See* CCZO §07-03-07.
4. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.

5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application CR2022-0029 was presented at a public hearing before the Canyon County Hearing Examiner on April 19, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Hearing Examiner decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan.

Findings: (1) The subject parcels are designated as Industrial in the 2020 Canyon County Comprehensive Plan Future Land Use Map (Attachment 5d).

- (2) The request aligns with the following goals and policies of the 2020 Canyon County Comprehensive Plan:

Chapter 1: Property Rights	
Goal 1.	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.
Policy 1.	No person should be deprived of private property without due process of law.
Policy 8.	Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.
Chapter 2: Population	
Goal 2.	To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.
Chapter 4: Economic Development	
Goal 3.	Create new jobs that are sustainable and lasting.
Goal 4.	Provide an economically viable environment that builds and maintains a diverse base of business.
Goal 5.	To ensure that land use policies, ordinances and processes allow for a viably economic environment for development.
Policy 3.	Encourage broad-based economic development programs that include: c. Industrial development
Policy 9.	Encourage and support agricultural & industrial development to locate in the vicinity of Simplot Boulevard.
Policy 12.	Establish appropriate industrial and commercial zones to further increase business and economic development in various areas of Canyon County.
Chapter 5: Land Use	
Goal 5.	Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.
Policy 1.	Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

- Policy 3. Encourage and support commercial and industrial development and guidelines to create jobs and expand the tax base. Create commercial, residential and industrial zoning districts to help attract development.
- Policy 11. Coordinate planning and development with applicable highway district and health officials.

The applicant is being given due process of law through the hearing process. The conditions of the Development Agreement (Attachment 1) will reduce the allowed uses to those that are compatible with the area. The conditions of the agreement also allow for appropriate uses that do not interfere with existing agricultural uses in the area. The parcels are located along Simplot Boulevard and will provide an avenue to increase business and economic development in Canyon County. This zone change will allow the opportunity for providing more jobs in the County.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: As conditioned, the request is more appropriate than the current zoning designation.

Findings: (1) The subject parcels are currently zoned "A" (Agricultural). Surrounding parcels are mostly zoned "A" (Attachment 5c).

- (2) The subject parcels are located along Simplot Boulevard and Peckham Road which supports similar industrial/commercial uses (Attachment 5b and 8). The collector roads currently support existing industrial uses and agricultural support facilities (Attachment 5a and 8). Idaho Northern and Pacific Railroad tracks exist adjacent to Parcel R36143 along Peckham Road (Attachment 5a).
- (3) The subject parcels are located in the area designated for industrial in the 2020 Comprehensive Plan Future Land Use Map (Attachment 5d). The City of Greenleaf also designates the area for industrial use in the city's Comprehensive Plan (Attachment 6f).
- (4) Uses and development will be limited through conditions of the development agreement (Attachment 1). As conditioned, the request is appropriate for the area, aligns with the County's vision of the area, and is supported by comments received by affected agencies (Attachment 6).
- (5) Evidence includes findings and conclusions supported within this document under criteria 3.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

Findings: (1) The subject parcels are located near other "M-1" Zones (Attachment 5c and 8). The subject parcels are located near the following zones:

- Parcel R36172 (east of the subject property): The 42.36-acre parcel (Valley Agronomics LLC) was zoned "M-1" in 2011.
- Parcel R36172011 (east of the subject property): The 29.75-acre parcel (Lansing Trade Group LLC) was zoned "M-1" in 2011.
- Parcel R36158 (east of the subject property): The 36-acre parcel (Takasugi Seed Farms LLC) was partially zoned "M-1" in 2011 (approximately 17.9 acres).
- Parcel R37077 (west of the subject property): The 75-acre parcel (RHG LLC) was partially zoned "M-1" in 2011 (approximately 35.6 acres).

- (2) The area is predominantly agricultural containing best-suited soils/prime farmland (Attachment 5c and 6c). Through the conditions imposed in the Development Agreement limit certain allowed or conditionally allowed uses, the request is found to be compatible with the surrounding land use and can potentially support the agricultural uses nearby (Attachment 1).

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned by the development agreement (Attachment 1), the request will not negatively affect the character of the area.

- Findings:**
- (1) The area is predominantly agricultural containing best-suited soils/prime farmland (Attachment 5e). Canyon County Soils Conservation District does not recommend the zone change (Attachment 6e).
 - (2) Whereas the area is predominantly zoned "A" – Agricultural (Attachment 5e), there are light industrial uses and nearby parcels that are zoned as "M-1" (Light Industrial; Attachment 5a and 8).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Newspaper notice was published on March 9, 2023. Property owners within 600' were notified by mail on March 9, 2023. The property was posted on March 16, 2023.
 - a. Paul Calverley, a neighbor located north of the subject parcels, requests the conditional rezone be denied due to the impact on the viable agricultural ground, the impact on the agricultural character of the area, and that the request is speculative and impacts unknown (Attachment 7).
 - i. The 2020 Canyon County Comprehensive Plan designated the subject parcel and area as "industrial" (Attachment 5d). The applicant agrees to conditions that limit uses that fit the industrial needs of the area, a 100-foot buffer along the property boundaries, exterior lighting shielded downward and additional review by the City of Greenleaf for water and sewer utilities, Boise Project Board of Control for irrigation, and ITD/Golden Gate Highway District regarding traffic impact and access. (Attachment A).
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.
 - (5) Evidence includes associated findings and evidence supported within this document.

5. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate proposed conditional rezone?

Conclusion: As conditioned. Adequate sewer, drainage, irrigation, and stormwater drainage facilities and utility systems will be provided to accommodate the proposed zoning map amendment at the time of any development.

- Findings:**
- (1) The subject parcels, depending on the extent of the use could apply for domestic well and septic from the Idaho Department of Water Resources and Southwest District Health to service the light industrial use.
 - (2) The City of Greenleaf stated that there is a possibility of connecting to a potable water supply and sanitary sewer treatment if needed in quantity requiring a municipal source from the City of Greenleaf. The City of Greenleaf also states that there is the availability of natural gas hook-up and power hook-up within a reasonable distance if those services are needed (Attachment 6f). See related conditions of approval (Attachment 1).
 - (3) Boise Project Board of Control requires easements for the Soper Lateral, Soper Sub Lateral, Mayhugh Lateral, and Mayhugh Drain that are on the referenced parcels. There are several instances where the developer would need to seek further permissions and fill out applications. (Attachment 6b).
 - (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 27, 2023. Full political notice was provided on March 8, 2023.

(5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.

(6) Evidence includes the area of city impact findings and evidence supported within this document.

6. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: Legal access exists. Access may change at the time of development with approval from jurisdictional agencies.

- Findings:**
- (1) Legal access exists to parcel R36143 on Peckham Road to the North and parcel R36155 on Allendale Road to the West. (Attachment 5b)
 - (2) Legal access may be requested by application to jurisdictional agencies onto Simplot Boulevard or Peckham Road at the time of development (Attachments 6a and 6g). ITD (Idaho Transportation Department) and Golden Gate Highway District both request additional review prior to the development of the properties to determine access approach requirements, if a traffic impact study is required and mitigate measures (if applicable) are required to reduce impacts to Peckham Road and SH-19. Both agencies' conditions are included as part of the development agreement conditions of approval (Attachment 1).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 27, 2023. Full political notice was provided on March 8, 2023.
 - a. The City of Greenleaf commented stating without a specific use, impacts are unknown. Therefore, a traffic impact study is required prior to development (Attachment 6f). See findings for the area of city impact below.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.
 - (5) Evidence includes the area of city impact findings and evidence supported within this document.

7. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The request may require public street improvements to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns. Conditions of the development agreement require additional review prior to the commencement of any use (Attachment 1).

- Findings:**
- (1) The subject properties have frontage along Peckham Road and SH-19. Access currently exists on Peckham Road and Allendale Road.
 - (2) Due to the list of uses requested by the applicant (Attachment 1) traffic impacts are unknown a development is proposed. ITD (Idaho Transportation Department) and Golden Gate Highway District both request additional review prior to the development of the properties to determine if a traffic impact study is necessary and mitigate measures (if necessary) to reduce impacts to Peckham Road and SH-19 (Attachment 6a & 6g).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 27, 2023. Full political notice was provided on March 8, 2023.
 - a. City of Greenleaf commented stating without a specific use, impacts are unknown. Therefore, a traffic impact study is required prior to development (Attachment 6f). See findings for the area of city impact below.

- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.

8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned, essential services will not be impacted.

- Findings:** (1) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 27, 2023. Full political notice was provided on March 8, 2023. No comments were received from essential services.
- a. City of Greenleaf commented stating without a specific use impacts to essential services are unknown (Attachment 6f). See findings for the area of city impact below and Attachment 1 for conditions of the development agreement.
- (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.

Canyon County Code §09-03-07 and 09-17-19 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Greenleaf and Wilder Area of City Impact. A notice was sent to the City of Greenleaf per Canyon County Code Section 09-03-07. A notice was sent to the City of Wilder per Canyon County Code Section 09-1-19. No comments were received from the City of Wilder. Comments provided by the City of Greenleaf have been addressed in the development agreement conditions (Attachment 1).

- Findings:** (1) The City of Greenleaf was provided notice on February 27, 2023, pursuant to Canyon County Code Section 09-03-07. The City of Wilder was provided notice on February 27, 2023, pursuant to Canyon County Code Section 09-17-19. No comment was received from the City of Wilder.
- (2) A comment letter was received from the City of Greenleaf (Attachment 6f) stating Findings 5, 6 & 8 cannot be supported without the following conditions:
- a. Prior to the commencement of use or establishment of use, the applicant shall work with the City of Greenleaf to provide connection to city water and sewer. If not applicable, the applicant shall work with the Idaho Department of Environmental Quality and Southwest District Health to ensure adequate facilities are provided. Evidence shall be a letter from the stated agencies.
 - b. Prior to the commencement of use or establishment of use on the subject parcels, the applicant/development shall work with Golden Gate Highway District and ITD to ensure adequate access meets required standards and traffic impacts are addressed via a traffic impact study and mitigation measures are established and met.
 - i. ITD and Golden Gate Highway District have requested the same condition (Attachment 6a and 6g).
 - c. Prior to the commencement of use or establishment of use, the applicant/developer shall contact in writing all political subdivisions with essential public service jurisdiction to request an analysis of potential impacts to essential services. All conditions and mitigation measures shall be met prior to commencement of use.
 - d. "Utility Facility" shall be included as prohibited.
- The conditions have been incorporated into the development agreement conditions (Attachment 1).
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.

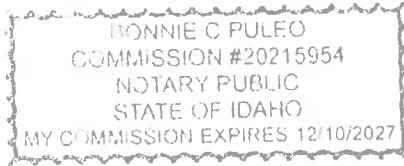
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Hearing Examiner recommends **approval** of Case # CR2022-0029, a conditional rezone of the subject parcels (R36143 & R36155), approximately

Case # CR2022-0029 – Findings of fact, Conclusions of law and Order Page 6

145.48 acres, from "A" (Agricultural) to a "CR-M-1" (Conditional Rezone – Light Industrial) zone subject to conditions of the development agreement (Attachment 1).

DATED this 19 day of April, 2023.



HEARING EXAMINER
CANYON COUNTY, IDAHO

Bruce Eggelston
Bruce Eggelston, Hearing Examiner;

State of Idaho)

SS

County of Canyon County)

On this 19th day of April, in the year 2023, before me Bonnie Puleo, a notary public, personally appeared Bruce Eggelston, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary:

Bonnie C. Puleo

My Commission Expires:

12/10/2027

ATTACHMENT A

DRAFT DEVELOPMENT AGREEMENT CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the properties including, but not limited to:
 - a. Golden Gate Highway District (See letter and conditions of approval dated February 28, 2023, Attachment 6a)
 - b. Idaho Transportation Department (See letter and conditions of approval dated March 29, 2023, Attachment 6g)
 - c. Boise Project Board of Control (See letter dated February 28, 2023, Attachment 6b)
 - d. Idaho Department of Environmental Quality (See letter dated March 10, 2023, Attachment 6c)
 - e. The City of Greenleaf (See letter dated March 22, 2023, Attachment 6f)
 - i. Prior to the commencement of use or establishment of use, the applicant/developer shall work with the City of Greenleaf to provide connection to city water and sewer. If not applicable, the applicant shall work with the Idaho Department of Environmental Quality and Southwest District Health to ensure adequate facilities are provided. Evidence shall be a letter from the stated agencies.
 - ii. Prior to the commencement of use or establishment of use on the subject parcels, the applicant/development shall work with Golden Gate Highway District and IID to ensure adequate access meets required standards, and traffic impacts are addressed via a traffic impact study, and mitigation measures are established and met.
 - iii. Resulting from these analyses, prior to the commencement of use or establishment of use, the applicant/developer shall contact in writing all political subdivisions with essential public service jurisdiction to request an analysis of potential impacts to essential services. All conditions and mitigation measures shall be met prior to commencement of use.
2. The subject parcels, R36143 and R3155, approximately 145 acres, are subject to the uses, standards, and requirements of the "M-1" Zone subject to the following ongoing conditions:
 - a. The following uses are prohibited:
 - i. Mineral extraction (short and long-term),
 - ii. Batch plants,
 - iii. Animal cremation services,
 - iv. Animal facility (small and large),
 - v. Animal Hospital,
 - vi. Kennels,
 - vii. Mortuaries, cremation, and funeral home,
 - viii. Impound yard,
 - ix. Sale of salvage goods,
 - x. Mobile or manufactured home sales,
 - xi. Rehabilitation of manufactured mobile homes, and
 - xii. Utility Facility
 - xiii. Rendering Plant
 - b. The subject properties shall remain in agricultural use until the time an "M-1" Zone use is established.
 - c. Development shall maintain a 100-foot buffer along all property boundaries that abut property zoned "A" (Agricultural) until such time the adjacent properties are zoned similarly.
 - d. All exterior lighting shall use light fixtures that are shielded downward and shall be directed away from the adjacent properties.
 - e. Provisions of the Idaho Right to Farm Act (Idaho Code §22-4503) applies to this land use decision.
3. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board." The land designations would revert back to the original zoning if timeframe is not met.



CANYON COUNTY HEARING EXAMINER
MINUTES OF REGULAR MEETING HELD
Wednesday, April 19, 2023
1:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Hearing Examiner Present: Bruce Eggleston

Staff Members Present: Michelle Barron, Planner
Sage Huggins, Planner
Debbie Root, Planner
Bonnie Puleo, Hearing Specialist

Hearing Examiner Bruce Eggleston called the meeting to order at 1:30 p.m. and read the testimony guidelines.

Hearing Specialist Bonnie Puleo called roll and swore in the Hearing Examiner and staff.

Hearing Examiner Bruce Eggleston read agenda item 1A, **CU2022-0043/Tristen Rhoades & Barbara Young**. Hearing Examiner noted that the case had been withdrawn by the applicant.

- **Case CU2022-0042/Alan Mowry:** The applicant, Alan Mowry, is requesting a conditional use permit to allow a commercial equestrian arena use within an "A" (Agricultural) Zoning District. The arena uses includes boarding, training and facility events. The subject property is located at 12671 Lizard Butte Ln, Caldwell (Parcel R33590012D); also referenced as a portion of the NE 1/4 of Section 34, Township 3N, Range 4W; Canyon County, Idaho.

Planner Sage Huggins reviewed the Staff report for the record.

Hearing Specialist Bonnie Puleo affirmed the witnesses to testify.

Testimony:

Alan Mowry – Applicant – IN FAVOR – 12671 Lizard Butte Lane Caldwell ID 83607

Mr. Mowry said he has had this project in mind for at least seven years. The property has five acres in the flood plain so they can't put a barn down there. That is why they will be changing the row crop area into a horse property. He said it will be for personal use; mainly family and friends with some outside boarding. He didn't know how many events they would hold on the property; he was told he had to list all the uses he might possibly have so they don't have to change it in the future but events are not the big push. He reiterated that this is for use by extended family and friends with some boarding and training. In 2017, they went through the process with Idaho Transportation Department for commercial access. They had to dig some holes and prove how much (road) base they had and that is when they got the commercial access permit. He did talk to Golden Gate Highway District and they have stated over the phone they have no issues with the project because it is a State Highway. He also talked with all the other agencies that might have conditions for the conditional use permit and there is little else, other than the County

requirements. He doesn't see problems with any of the other requirements that have been put on the conditional use permit including floodwater drainage. He has done the engineering for and has pulled the permit to build the barn. They are starting to build the barn now but he said this hearing is for the permission to board some horses in the stalls that the family won't be using. Mr. Mowry said it is hard to see the project from the bridge area or the highway from the south because of the hills between his parcel and Lizard Butte. There is very little visual impact to what they are doing. He has also spoken to the Wilder Irrigation District about the project. He said since they are not changing the movement of water or the flow of excess water to the river, Idaho Department of Water Resources has said they have no conditions. He said he has talked to Department of Environmental Quality and they said there is nothing he needs to do as they are disturbing less than one acre of land. Mr. Mowry believes the project is in line with what is happening around them in the community. They have been composting horse manure for another owner for years. He plans on composting his own manure and described how he will do that. Whatever he doesn't use for landscaping and his vegetable garden will be spread in the pastures. Mr. Mowry also described where the rainwater will go, how it percolates into the ground and where he will put a retention basin on the property.

Marv Quenzer – IN FAVOR – 3320 Marble Front Caldwell ID 83605

Mr. Quenzer is the property owner of 70 acres directly south of the subject property. He says he is in favor of the project. He said it would be nice to have a place for people to ride their horses during the winter.

Jake Flint – IN FAVOR – 4893 Edison Rd Marsing ID 83639

Mr. Flint trains horses, lives in Marsing and has known Alan Mowry for a few years. He is in favor of this application. Agriculture is a big deal to him and his family. He has children involved in 4H and horses are a big deal to them. He said having something of this magnitude in the area would be beneficial for kids and people who want to board their horses. He said it is an agricultural area and they want to keep it that way. He just wanted to let everyone know he was in favor of this application as well.

Alan Mowry – Applicant – REBUTTAL – 12671 Lizard Butte Lane Caldwell ID 83607

Mr. Mowry came up during his rebuttal to address one issue. He said a lot of horse trailers have sleepers in them. If they come into the parking area and want to spend the night, he said he doesn't need sewer hook ups but it would be nice if they could plug in. He showed on a map where the water comes in from Wilder Irrigation and where an existing power pole is. He also pointed out where they were going to put in a vault and transformer to power the irrigation system from the retention pond. He said the vault and transformer are very close to the parking area for the trailers. He is not sure if they will allow that but would like to put in four to five risers in case people show up from far away and spending the night becomes a need. If the power is right there, he would like to be able to do that. They are not going to put any sewer service in. Hearing Examiner Eggleston asked staff if the conditional use permit would cover the addition of power to the parking area. Planner Sage Huggins brought up a suggested condition of approval to cover the addition of power risers.

MOTION: Hearing Examiner Eggleston closed public testimony on Case CU2022-0029.

DELIBERATION:

Hearing Examiner Eggleston said the Finding of Facts section contains the correct laws as applied to a conditional use permit. There are eight general criteria that must be met for the application and they satisfy the ordinance and application to the case. The Hearing Examiner concurs with those. The Hearing Examiner approves the case subject to the conditions of approval. The Hearing Examiner added Condition #21, addressing the living quarters in horse trailers hookups for water and electrical service only.

DECISION: Hearing Examiner Eggleston approved Case CU2022-0029 including the Findings of Facts, Conclusions of Law and Conditions of Approval.

- **Case CR2022-0029/Judith A Gross Trust:** The applicant, David Ferdinand, representing Judith A Gross Trust and Douglas Gross, is requesting a Conditional Rezone of parcels R36143 and R36155, approximately 145.48 acres, from "A" (Agriculture) to CR-M-1 (Conditional Rezone – Light Industrial) zone. The request includes a development agreement to limit certain uses allowed in the M-1 zone. The subject property is located at 0 Peckham Road, Wilder; also referenced as a portion of the NW¼ and the NE ¼ of Section 19, T4N, R4W, Canyon County, Idaho.

Planner Michelle Barron reviewed the Staff report for the record.

Hearing Specialist Bonnie Puleo affirmed the witnesses to testify.

Testimony:

David Ferdinand – Applicant’s Representative – IN FAVOR – 2419 W. Herron Loop Nampa ID 83686

Mr. Ferdinand is representing the Judith Gross property. He said the intention of the application is to conditionally rezone both properties. The Peckham Road property is currently zoned both M-1 and Ag. He described the location of the properties and said it includes a Boise Valley railroad easement which allows the movement of farm commodities and products from the manufacturing facilities in this area. Proposed access could be Peckham Road or Simplot Blvd and it will be a private road. The purpose is to make it available for light industrial use and make consistent with the M-1 future land use of the area. The second property is also part of the application and is contiguous with other property. There is already a trailer manufacturing facility below them. Mr. Ferdinand said they already have listed the property on the open market, are taking interested inquiries and would use it for light industrial use; taking farm commodities, processing them and shipping them out by rail or truck. Simplot Blvd and Highway 19 have already been widened so those roads are compatible with that type of use. The subject parcel is about 145 acres. Mr. Ferdinand said the applicant is already farming 2500 acres in the area and is the contiguous farm ground next to the project. He said the applicant went through the list of M-1 uses and removed everything from the development agreement he felt wasn't compatible. Mr. Ferdinand listed the uses removed and said he would like to add "Rendering Plant" to the list of prohibited uses. He is not sure about the ethanol plant and what the removal of that would do as many farming operations store fuel onsite. The project properties are being farmed now and all systems, ditches and irrigation are being maintained. Mr. Ferdinand said the plan is to develop the property as Light Industrial and market the parcels as an Agricultural processing or similar Light Industrial use. The plan is to keep the property in Agricultural production until an appropriate light industrial project develops the property. He knows they have a two year timeframe. The City of Greenleaf did say there could be a possible connection to the municipal water supply and sanitary sewer treatment if needed. It would depend upon the use of the property. Similar to the potential need for an extra turn lane, without knowing the specific use, it is hard to know if they will need to do that (connect to City services). For uses with heavy water needs, they would be in touch with the City of Greenleaf. Mr. Ferdinand said the Canyon County Comprehensive Plan, the City of Greenleaf and the City of Wilder all designate this area as light industrial.

The Hearing Examiner asked Mr. Ferdinand about irrigation easements across the property and if they would be protected. Mr. Ferdinand replied that they would have to abide by all agency requirements once the use of the property is determined. Hearing Examiner Eggleston asked about curb, gutters and sidewalks in the development plan that would provide for uses to come in or would those be left to the

future developers. Mr. Ferdinand said they planned on leaving that for future developers to decide. The said there are two different highway departments involved. They have them listed for sale as separate parcels; they did that because there is a market for the smaller parcels. They wanted to leave that open and give them the opportunity to develop it. There was discussion about the railroad spur, where it ran, how long it was and what the terminus was.

Doug Gross – IN FAVOR – 20869 Travis Road Wilder ID 83676

Mr. Gross is the owner of the property and is the trustee of the Judith Gross Trust. They are asking for a rezone of this land from Ag to Light Industrial. This property is some of the poorest quality of land on his farms and he thinks it lends itself to Light Industrial use with the increasingly valuable rail access. He said rail access has become increasingly scarce in the Treasure Valley and this would also be consistent with other types of businesses along Peckham Road. His family has lived in Wilder since 1941. They farm 2500 acres in western Canyon County where they raise many crops including potatoes and wheat. He is planting his 45th crop this year and he and his successors will continue to operate their farms for many years to come. The Valley is changing rapidly and the Gross family would like to have a hand in how some of those changes occur. The vision is to guarantee the financial sustainability of their farming operations and create jobs for the area. He said they will be here a long time and want to be sure as growth occurs, they have a hand in it.

Hearing Examiner Eggleston asked if they have considered an overall site plan to address circulation and utilities. Mr. Gross said they want to see who is interested in the property to determine how it would need to be developed but that he would like to have a hand in how it's done. Hearing Examiner Eggleston expressed the hope that there would be a vision that would address overall access to the rail spur and ingress/egress to the property as well as irrigation facilities. He is concerned because there is no development agreement or plan on how the property will be developed. Mr. Gross said he works with the Wilder Irrigation District on a daily basis and understands the importance of maintaining the irrigation systems and structures.

Scott Syme – IN FAVOR – 17498 Allendale Road Wilder ID 83676

Mr. Syme lives approximately three miles south of the parcels on the application. He has known Doug Gross for 20 years. He has farmed part of Mr. Symes property and knows he is a conscientious farmer. He thinks the fact that he is willing to restrict what is developed on the parcels speaks to the concern for the community and not wanting to hurt the community.

Paul Calverley – IN OPPOSITION – 9396 W. Pandion Court Garden City ID 83714

Mr. Calverley owns 80 acres directly across Peckham Road from the property and is farming hops on his property. He said that is consistent with the crops that are farmed on the property in the area. Mr. Calverley said this is an intensive agricultural area and his soil is Class 1 soil. It is Class 1, Owyhee Greenleaf soil which is suitable for growing any crops with good yields. He said the Light Industrial zone will allow it to be split into small parcels and there is no restriction on the size of parcels. He said many of those uses are not compatible with practices related to intensive agriculture common to the adjoining properties. He listed some uses he felt were incompatible with agriculture operations in the area. The applicant hasn't sufficiently identified a plan for the specific use or need for a rezone for parcels of this size. 145 acres is a big chunk (of land) to take out of agriculture and put into a rezone. The parcels are a long distance away from city services and the road system is not compatible with providing accelerated use which potentially would occur with a rezone. He asked that the rezone request be denied.

Mike Gibbons – IN OPPOSITION – 23536 Peckham Road Wilder ID 83676

Mr. Gibbons showed his house on the map. He is right next to the applicant's property. He is worried about the potential impact to his home's value and is concerned about the rezone. He doesn't know the

property owner intimately but they have been acquainted since 2012. They have been great neighbors. He said if you can't adequately supply city services to those areas or if the rezone ended up being smaller parcels that wouldn't require connecting to city services, what kind of impact will multiple wells have on his well? They have seen some wells being drilled in the area and he thinks it has had some impact on his well. He doesn't know if he will have to deepen his well or not. If there are smaller parcels put in there that won't get access to city services, they will have to have wells drilled. He said that will impact his well. He pays for access going over the rail line which is used for work being done on a couple of adjacent parcels. What kind of impact is that going to occur if you have to put access points going over the railroad and how that will affect his home and the value of his home. He showed where his house was located on the map and where the railroad access that he paid for was located.

David Ferdinand – Applicant (Representative) – REBUTTAL – 2419 W. Herron Loop Nampa ID 83686

Mr. Ferdinand requested the Planner pull up the future land use map. He said they understand Mr. Calverley's and Mr. Gibbons' concerns but all the area has been designated Light Industrial for future land use. Mr. Ferdinand said one individual was interested in putting a 40 acre piece down by the railroad and the seller wouldn't approve that. He said Mr. Gross is one of the neighbors and wants to control what this development looks like. He is going to have to put up with whatever goes in there including increased traffic or roadways. Because Mr. Gross has a great deal of interest in how this is going to be developed and the long range farmability of his property, he cares about what goes in there and wants to make sure the developer does it properly. A map was shown with the Light Industrial zones in the area. One of the reasons they wanted to do this all together is so the City of Greenleaf could be part of the decision on where the access was or how the traffic would come in and out of the parcel. He described some scenarios that would change the access to the property. He said they would work with anyone who could supply the water, if that was necessary. The property would continue to be farmed until they get the right individual and Mr. Gross approved them.

Hearing Examiner Eggleston asked about the bulk fuel storage and Mr. Ferdinand's comments about that restriction. Mr. Ferdinand provided some examples of acceptable businesses that might need some fuel tanks on site. They wanted to be sure they didn't exclude those businesses and he suggested that (restriction) might be labeled as something other than bulk fuel storage. The Hearing Examiner stated that he felt the bulk storage listed was separate from normal commercial fuel use; it was two different uses. He clarified with the planner that bulk storage as an accessory use is an allowed use. Planner Michelle Barron also stated that a Rendering Plant was not an outright use in the Light Industrial zone and it would require an additional Conditional Use Permit in that area. She agreed to add that to the list of restricted uses.

DELIBERATION:

Hearing Examiner Eggleston clarified that this case is to rezone parcels that are A and M-1 to CR-M-1 accompanied by a development agreement that restricts the uses on the proposed rezone. He said exhibit 2 of the staff report lists the Finding of Facts, Conclusions of Law and Order. He concurs that items 1 – 5 correctly address and fulfill the requirements for the consideration of the conditional rezone. The rezone does have requirements and conditions that have to be met and are listed in the Ordinance CCZ0-07-06-07 (6) items 1-8. Staff has presented those and the findings/conclusions seem to be adequate to address the concerns of the conditional rezone proposal. He concurs with the issues under that part of the statute and those are fulfilled. He believes the concerns of the City of Greenleaf have been addressed in the conditions of approval and the draft development agreement. The issues with the property in the Area of City Influence of both Greenleaf and Wilder have been properly addressed here and will become clear when applications are presented for this property. He concurs with those findings and conclusions as well.

He suggested some grammatical changes to Section 1. He added 'resulting from these analyses shall be met prior to commencement of use' to Item 1E. Item 2, add subitem A(13): add Rendering Plant to be an excluded use. He also added a condition 2E: "Provisions of Idaho Right to Farm Act shall be implemented as applicable to development applications".

DECISION: Hearing Examiner Eggleston approved Case CR2022-0029 including the Findings of Facts, Conclusions of Law and Conditions of Approval subject to the conditions of the Development Agreement, and forward the recommendation to the Board of Canyon County Commissioners.

APPROVAL OF MINUTES:

MOTION: Hearing Examiner Eggleston submitted two minor changes to staff and approved the minutes from March 15, 2023.

ADJOURNMENT:

HEARING EXAMINER Bruce Eggleston adjourned the meeting at 3:20 pm.

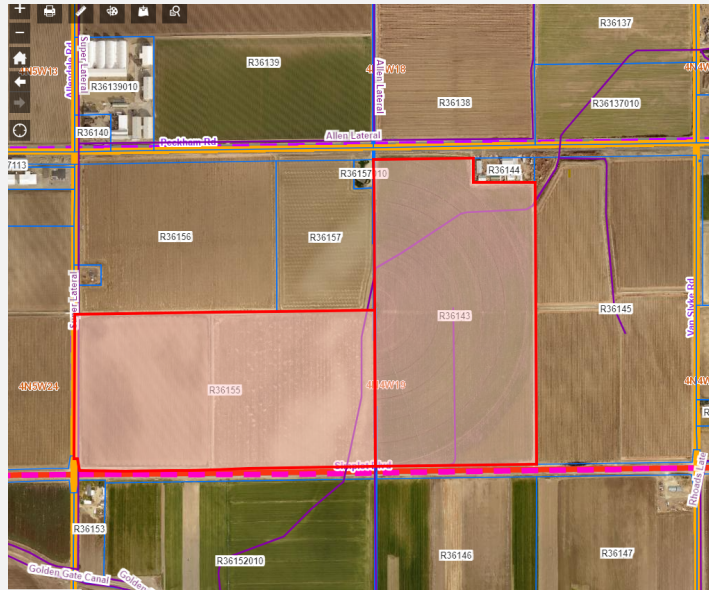
An audio recording is on file in the Development Services Departments' office.

Approved this 19th day of July, 2023

Bruce Eggleston, Hearing Examiner

ATTEST

Bonnie Puleo, Hearing Specialist



E	Agricultural Production and Processing/ Small amount of Residences	A	
S	Agricultural Production/ Small amount of Residences	A	
W	Agricultural Production/Agricultural Commodities and Trade/Small amount of Residences	A	

“A” (Agricultural), “R-R” (Rural Residential), “R-1” (Single-Family Residential), “C-1” (Neighborhood Commercial), “C-2” (Service Commercial), “M-1” (Light Industrial), “CR” (Conditional Rezone)

Surrounding Land Use Cases:

- 2022 – a conditional rezone from “A” to “CR-M-1” was denied for Parcel R3163010 located near the subject parcel north of Peckham Road (RZ2021-0042, Exhibit 2, Attachment 8)
- In 2019 and 2021 – a conditional rezone from “A” to “CR-R-R” (Conditional Rezone - Rural Residential) was approved and one residential lot was created from that rezone (SD.
- In 2020 – a Conditional Rezone from Agricultural to Conditional Rezone – Rural Residential was approved for four lots total proposed but has not been acted upon (SD2021-0001).
- Four subdivisions created totaling 11 lots since 1978.

Character of the Area:

- The area is predominantly agricultural production with some processing and distribution facilities scattered around. There is a limited number of homes. The railroad runs along the northern border of parcel R36143.
- According to Canyon Soil Conservation District, 81% of the soils are class II, which are best-suited productive soils in Canyon County with few limitations. (Exhibit B, Attachment 6e)
- The subject parcels are located near the following zones:
 - o Parcel R36172 (east of the subject property): The 42.36-acre parcel (Valley Agronomics LLC) was zoned “M-1” in 2011.
 - o Parcel R36172011 (east of the subject property): The 29.75-acre parcel (Lansing Trade Group LLC) was zoned “M-1” in 2011.
 - o Parcel R36158 (east of the subject property): The 36-acre parcel (Takasugi Seed Farms LLC) was partially zoned “M-1” in 2011 (approximately 17.9 acres).
 - o Parcel R37077 (west of the subject property): The 75-acre parcel (RHG LLC) was partially zoned “M-1” in 2011 (approximately 35.6 acres).
- The following businesses are located near the property:
 - o Valley Agronomics (Parcel R36172): Ag. support company.



- Andersons/Lansing Trade Group (Parcel R36172011): Ag. support (Grain facility).



- Allendale Produce Company (Parcel R37077): Produce wholesaler



Access and Traffic:

- Applicant is asking for access to be off of Peckham Road to the North or Simplot Blvd/Highway 19 to the South for parcel R36143. The applicant is asking for access to Simplot Blvd/Highway 19 to the South for parcel R36155.
- If the rezone is approved, both Golden Gate Highway District and Idaho Transportation Department are reserving the right for additional comments and conditions with a possible Traffic Impact Study requirement when an exact use or development is requested. They would both require an application through each of their offices to access the roadway that is under their jurisdiction.
- Applicant is asking to connect via a future private road to service the development internally.

Facilities:

- Southwest District Health and Idaho Department of Water Resources were noticed, but no comments were received.
- Idaho Department of Environmental Quality did provide a standard response with possible impacts and mitigation options.
- The City of Greenleaf stated that there is a possibility of connecting to a potable water supply and sanitary sewer treatment if needed in quantity requiring a municipal source from the City of Greenleaf.

Essential Services:

- All essential services were notified of the proposed change of use.
- Boise Project Board of Control requires easements for the Soper Lateral, Soper Sub Lateral, Mayhugh Lateral and Mayhugh Drain that are on the referenced parcels. There are several instances where the developer would need to seek further permissions and fill out applications. See Exhibit B, Attachment 6b.

COMPREHENSIVE PLAN ALIGNMENT:

The subject property is designated as Industrial in the 2020 Canyon County Comprehensive Plan Future Land Use Map. The City of Greenleaf and City of Wilder also designate the area for commercial and industrial uses in their Comprehensive Plans. The proposal aligns with the following goals and policies of the 2020 Comprehensive Plan:

Chapter 1: Property Rights	
Goal 1.	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.
Policy 1.	No person should be deprived of private property without due process of law.
Policy 8.	Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.
Chapter 2: Population	
Goal 2.	To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.
Chapter 4: Economic Development	
Goal 3.	Create new jobs that are sustainable and lasting.
Goal 4.	Provide an economically viable environment that builds and maintains a diverse base of business.
Goal 5.	To ensure that land use policies, ordinances, and processes allow for a viably economic environment for development.
Policy 3.	Encourage broad-based economic development programs that include: c. Industrial development
Policy 9.	Encourage and support agricultural & industrial development to locate in the vicinity of Simplot Boulevard.

Policy 12.	Establish appropriate industrial and commercial zones to further increase business and economic development in various areas of Canyon County.
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Chapter 5: Land Use

Goal 5.	Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.
Policy 1.	Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.
Policy 3.	Encourage and support commercial and industrial development and guidelines to create jobs and expand the tax base. Create commercial, residential and industrial zoning districts to help attract development.
Policy 11.	Coordinate planning and development with applicable highway district and health officials.

POTENTIAL IMPACTS:

- Changing this land use to “M-1” could create impacts on traffic and surrounding uses. This potential impact can be mitigated through the Conditions of Approval that will be attached to the Development Agreement (Exhibit B, Attachment 1). Agencies that have commented have approval processes and the option of adding conditions to a change of use of the parcels.
- The request will impact farm ground with best-suited soils. The request is located within an area designated for industrial development. The applicant plans to continue farming the ground until an industrial use can be established.
- Although the applicant limits used of the property, it does not include potentially impactful uses such as ethanol plant, rendering plant, bulk storage of flammable liquids and other similar uses.
- Without a specific use, required services and impact to existing infrastructure are unknown. Conditions of approval have been included additional reviews to ensure adequate facilities area provided and impacts to traffic, access and essential services are adequately addressed (Exhibit 2, Attachment 1).

COMMENTS:

- Public:
 - Exhibit B, Attachment 7: Paul & Harriet Calverley
- Agencies:
 - Exhibit B, Attachment 6a: JUB Engineers, Inc. for Golden Gate Highway District
 - Exhibit B, Attachment 6b: Boise Project Board of Control
 - Exhibit B, Attachment 6c: Idaho Department of Environmental Quality
 - Exhibit B, Attachment 6d: COMPASS
 - Exhibit B, Attachment 6e: Canyon Soil Conservation District
 - Exhibit B, Attachment 6f: City of Greenleaf
 - Exhibit B, Attachment 6g: Idaho Transportation Department
 - Exhibit B, Attachment 6h: Idaho Division of Aeronautics
 - Exhibit B, Attachment 6i: City of Nampa

- Exhibit B, Attachment 6j: City of Caldwell

RECOMMENDATION:

- Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed requests.
- Staff is **recommending approval** of the conditional rezone and has provided findings of fact and conclusions of law for the Hearing Examiner's consideration found in Exhibit B.

DECISION OPTIONS:

- The Hearing Examiner may recommend **approval** of the conditional rezone to the Board of County Commissioners as conditioned and/or amended;
- The Hearing Examiner may recommend **denial** of the conditional rezone to the Board of County Commissioners and direct staff to return with finds that support the decision; or
- The Hearing Examiner may **continue the discussion** and request additional information on specific items.

ATTACHMENTS/EXHIBITS:

Exhibit A: Parcel Tool

Exhibit B: Draft FCO's

Attachment 1: Draft Conditions of Approval

Attachment 2: Letter of Intent, Letter of Intent Addendum, and Land Use Worksheet

Attachment 3: Neighborhood Meeting

Attachment 4: Site Photos

Attachment 5: Maps

5a: Small Aerial

5b: Vicinity

5c: Zoning

5d: Future Land Use

5e: Soil & Prime Farmland

Attachment 6: Agency Comments

6a: JUB Engineers, Inc. for Golden Gate Highway District

6b: Boise Project Board of Control

6c: Idaho Department of Environmental Quality

6d: COMPASS

6e: Canyon Soil Conservation District

6f: City of Greenleaf

6g: Idaho Transportation Department

6h: Idaho Division of Aeronautics

6i: City of Nampa

6j: City of Caldwell

Attachment 7: Public Comment – Paul and Harriet Calverley

Attachment 8: RZ2021-0042 FCOs with draft development agreement

R36143

PARCEL INFORMATION REPORT

4/7/2023 2:53:23 PM

PARCEL NUMBER: R36143

OWNER NAME: GROSS JUDITH A TRUST

CO-OWNER: GROSS C DOUGLAS TRUSTEE

MAILING ADDRESS: PO BOX 241 WILDER ID 83676

SITE ADDRESS: 0 PECKHAM RD

TAX CODE: 0680000

TWP: 4N RNG: 4W SEC: 19 QUARTER: NE

ACRES: 73.29

HOME OWNERS EXEMPTION: No

AG-EXEMPT: Yes

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG/M1 / LIGHT INDUSTRIAL

HIGHWAY DISTRICT: GOLDEN-GATE HWY

FIRE DISTRICT: WILDER FIRE

SCHOOL DISTRICT: VALLIVUE SCHOOL DIST

IMPACT AREA: GREENLEAF

FUTURE LAND USE 2011-2022 : Ind

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: Ind

IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL

FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0225F

WETLAND: Riverine

NITRATE PRIORITY: ADA CANYON

FUNCTIONAL Classification: Other Principal Arterials

INSTRUMENT NO. : 2013056762

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 19-4N-4W NE NWNE LS TX 1 & RR R/W; SWNE LS HWY R/W

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS, POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERIFFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM
THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

Exhibit A

R36155

PARCEL INFORMATION REPORT

4/7/2023 2:54:43 PM

PARCEL NUMBER: R36155

OWNER NAME: GROSS JUDITH A TRUST

CO-OWNER: GROSS C DOUGLAS TRUSTEE

MAILING ADDRESS: PO BOX 241 WILDER ID 83676

SITE ADDRESS: 0 ALLENDALE RD

TAX CODE: 0250000

TWP: 4N RNG: 4W SEC: 19 QUARTER: NW

ACRES: 72.19

HOME OWNERS EXEMPTION: No

AG-EXEMPT: Yes

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: GOLDEN-GATE HWY

FIRE DISTRICT: WILDER FIRE

SCHOOL DISTRICT: WILDER SCHOOL DIST

IMPACT AREA: WILDER

FUTURE LAND USE 2011-2022 : Ind

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: Ind

IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL

FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0225F

WETLAND: Riverine

NITRATE PRIORITY: ADA CANYON

FUNCTIONAL Classification: Other Principal Arterials

INSTRUMENT NO. : 2013056762

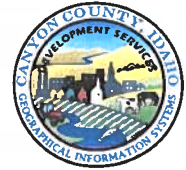
SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 19-4N-4W NW SENW LT 2 LS HWY

PLATTED SUBDIVISION:

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:



DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
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HEARING EXAMINER
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Judith A. Gross Trust – CR2022-0029

The Canyon County Hearing considers the following:

- 1) Conditional Rezone of the subject parcels, approximately 145.48 acres, from “A” (Agricultural) to a “CR-M-1” (Conditional Rezone – Light Industrial) zone, and
- 2) Development Agreement with conditions that restricts the uses and development within the “M-1” zone.

[CR2022-0029, 0 Allendale Road & 0 Peckham Road, Wilder (Parcel Number: R36143 & R36155), a portion of the NW¼ and the NE ¼ of Section 19, T4N, R4W, BM, Canyon County, Idaho]

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0029.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-03-07 and 09-17-19 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCZO §07-05-01
2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6511.
3. Any hearing examiner appointed by the board shall perform such duties as assigned by the board pursuant to Idaho Code section 67-6520. *See* CCZO §07-03-07.
4. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.

5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application CR2022-0029 was presented at a public hearing before the Canyon County Hearing Examiner on April 19, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Hearing Examiner decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan.

- Findings:** (1) The subject parcels are designated as Industrial in the 2020 Canyon County Comprehensive Plan Future Land Use Map (Attachment 5d).
- (2) The request aligns with the following goals and policies of the 2020 Canyon County Comprehensive Plan:

Chapter 1: Property Rights	
Goal 1.	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.
Policy 1.	No person should be deprived of private property without due process of law.
Policy 8.	Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.
Chapter 2: Population	
Goal 2.	To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs.
Chapter 4: Economic Development	
Goal 3.	Create new jobs that are sustainable and lasting.
Goal 4.	Provide an economically viable environment that builds and maintains a diverse base of business.
Goal 5.	To ensure that land use policies, ordinances and processes allow for a viably economic environment for development.
Policy 3.	Encourage broad-based economic development programs that include: c. Industrial development
Policy 9.	Encourage and support agricultural & industrial development to locate in the vicinity of Simplot Boulevard.
Policy 12.	Establish appropriate industrial and commercial zones to further increase business and economic development in various areas of Canyon County.
Chapter 5: Land Use	
Goal 5.	Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area.
Policy 1.	Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Policy 3.	Encourage and support commercial and industrial development and guidelines to create jobs and expand the tax base. Create commercial, residential and industrial zoning districts to help attract development.
Policy 11.	Coordinate planning and development with applicable highway district and health officials.

The applicant is being given due process of law through the hearing process. The conditions of the Development Agreement (Attachment 1) will reduce the allowed uses to those that are compatible with the area. The conditions of the agreement also allow for appropriate uses that do not interfere with existing agricultural uses in the area. The parcels are located along Simplot Boulevard and will provide an avenue to increase business and economic development in Canyon County. This zone change will allow the opportunity for providing more jobs in the County.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: As conditioned, the request is more appropriate than the current zoning designation.

Findings: (1) The subject parcels are currently zoned “A” (Agricultural). Surrounding parcels are mostly zoned “A” (Attachment 5c).

- (2) The subject parcels are located along Simplot Boulevard and Peckham Road which supports similar industrial/commercial uses (Attachment 5b and 8). The collector roads currently support existing industrial uses and agricultural support facilities (Attachment 5a and 8). Idaho Northern and Pacific Railroad tracks exist adjacent to Parcel R36143 along Peckham Road (Attachment 5a).
- (3) The subject parcels are located in the area designated for industrial in the 2020 Comprehensive Plan Future Land Use Map (Attachment 5d). The City of Greenleaf also designates the area for industrial use in the city’s Comprehensive Plan (Attachment 6f).
- (4) Uses and development will be limited through conditions of the development agreement (Attachment 1). As conditioned, the request is appropriate for the area, aligns with the County’s vision of the area, and is supported by comments received by affected agencies (Attachment 6).
- (5) Evidence includes findings and conclusions supported within this document under criteria 3.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

Findings: (1) The subject parcels are located near other “M-1” Zones (Attachment 5c and 8). The subject parcels are located near the following zones:

- Parcel R36172 (east of the subject property): The 42.36-acre parcel (Valley Agronomics LLC) was zoned “M-1” in 2011.
- Parcel R36172011 (east of the subject property): The 29.75-acre parcel (Lansing Trade Group LLC) was zoned “M-1” in 2011.
- Parcel R36158 (east of the subject property): The 36-acre parcel (Takasugi Seed Farms LLC) was partially zoned “M-1” in 2011 (approximately 17.9 acres).
- Parcel R37077 (west of the subject property): The 75-acre parcel (RHG LLC) was partially zoned “M-1” in 2011 (approximately 35.6 acres).

- (2) The area is predominantly agricultural containing best-suited soils/prime farmland (Attachment 5e and 6e). Through the conditions imposed in the Development Agreement limit certain allowed or conditionally allowed uses, the request is found to be compatible with the surrounding land use and can potentially support the agricultural uses nearby (Attachment 1).

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.

4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned by the development agreement (Attachment 1), the request will not negatively affect the character of the area.

- Findings:**
- (1) The area is predominantly agricultural containing best-suited soils/prime farmland (Attachment 5e). Canyon County Soils Conservation District does not recommend the zone change (Attachment 6e).
 - (2) Whereas the area is predominantly zoned “A” – Agricultural (Attachment 5c), there are light industrial uses and nearby parcels that are zoned as “M-1” (Light Industrial; Attachment 5a and 8).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Newspaper notice was published on March 9, 2023. Property owners within 600’ were notified by mail on March 9, 2023. The property was posted on March 16, 2023.
 - a. Paul Calverley, a neighbor located north of the subject parcels, requests the conditional rezone be denied due to the impact on the viable agricultural ground, the impact on the agricultural character of the area, and that the request is speculative and impacts unknown (Attachment 7).
 - i. The 2020 Canyon County Comprehensive Plan designated the subject parcel and area as “industrial” (Attachment 5d). The applicant agrees to conditions that limit uses that fit the industrial needs of the area, a 100-buffer along the property boundaries, exterior lighting shielded downward and additional review by the City of Greenleaf for water and sewer utilities, Boise Project Board of Control for irrigation, and ITD/Golden Gate Highway District regarding traffic impact and access. (Attachment A).
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.
 - (5) Evidence includes associated findings and evidence supported within this document.

5. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate proposed conditional rezone?

Conclusion: As conditioned, Adequate sewer, drainage, irrigation, and stormwater drainage facilities and utility systems will be provided to accommodate the proposed zoning map amendment at the time of any development.

- Findings:**
- (1) The subject parcels, depending on the extent of the use could apply for domestic well and septic from the Idaho Department of Water Resources and Southwest District Health to service the light industrial use.
 - (2) The City of Greenleaf stated that there is a possibility of connecting to a potable water supply and sanity sewer treatment if needed in quantity requiring a municipal source from the City of Greenleaf. The City of Greenleaf also states that there is the availability of natural gas hook-up and power hook-up within a reasonable distance if those services are needed (Attachment 6f). See related conditions of approval (Attachment 1).
 - (3) Boise Project Board of Control requires easements for the Soper Lateral, Soper Sub Lateral, Mayhugh Lateral, and Mayhugh Drain that are on the referenced parcels. There are several instances where the developer would need to seek further permissions and fill out applications. (Attachment 6b).
 - (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 27, 2023. Full political notice was provided on March 8, 2023.

- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.
- (6) Evidence includes the area of city impact findings and evidence supported within this document.

6. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: Legal access exists. Access may change at the time of development with approval from jurisdictional agencies.

- Findings:**
- (1) Legal access exists to parcel R36143 on Peckham Road to the North and parcel R36155 on Allendale Road to the West. (Attachment 5b)
 - (2) Legal access may be requested by application to jurisdictional agencies onto Simplot Boulevard or Peckham Road at the time of development (Attachments 6a and 6g). ITD (Idaho Transportation Department) and Golden Gate Highway District both request additional review prior to the development of the properties to determine access/approach requirements, if a traffic impact study is required and mitigate measures (if applicable) are required to reduce impacts to Peckham Road and SH-19. Both agencies' conditions are included as part of the development agreement conditions of approval (Attachment 1).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 27, 2023. Full political notice was provided on March 8, 2023.
 - a. The City of Greenleaf commented stating without a specific use, impacts are unknown. Therefore, a traffic impact study is required prior to development (Attachment 6f). See findings for the area of city impact below.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.
 - (5) Evidence includes the area of city impact findings and evidence supported within this document.

7. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The request may require public street improvements to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns. Conditions of the development agreement require additional review prior to the commencement of any use (Attachment 1).

- Findings:**
- (1) The subject properties have frontage along Peckham Road and SH-19. Access currently exists on Peckham Road and Allendale Road.
 - (2) Due to the list of uses requested by the applicant (Attachment 1) traffic impacts are unknown a development is proposed. ITD (Idaho Transportation Department) and Golden Gate Highway District both request additional review prior to the development of the properties to determine if a traffic impact study is necessary and mitigate measures (if necessary) to reduce impacts to Peckham Road and SH-19 (Attachment 6a & 6g).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 27, 2023. Full political notice was provided on March 8, 2023
 - a. City of Greenleaf commented stating without a specific use, impacts are unknown. Therefore, a traffic impact study is required prior to development (Attachment 6f). See findings for the area of city impact below.

- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.

8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned, essential services will not be impacted.

- Findings:** (1) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 27, 2023. Full political notice was provided on March 8, 2023. No comments were received from essential services.
- a. City of Greenleaf commented stating without a specific use impacts to essential services are unknown (Attachment 6f). See findings for the area of city impact below and Attachment 1 for conditions of the development agreement.
- (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.

Canyon County Code §09-03-07 and 09-17-19 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Greenleaf and Wilder Area of City Impact. A notice was sent to the City of Greenleaf per Canyon County Code Section 09-03-07. A notice was sent to the City of Wilder per Canyon County Code Section 09-1-19. No comments were received from the City of Wilder. Comments provided by the City of Greenleaf have been addressed in the development agreement conditions (Attachment 1).

- Findings:** (1) The City of Greenleaf was provided notice on February 27, 2023, pursuant to Canyon County Code Section 09-03-07. The City of Wilder was provided notice on February 27, 2023, pursuant to Canyon County Code Section 09-17-19. No comment was received from the City of Wilder.
- (2) A comment letter was received from the City of Greenleaf (Attachment 6f) stating Findings 5, 6 & 8 cannot be supported without the following conditions:
- a. Prior to the commencement of use or establishment of use, the applicant shall work with the City of Greenleaf to provide connection to city water and sewer. If not applicable, the applicant shall work with the Idaho Department of Environmental Quality and Southwest District Health to ensure adequate facilities are provided. Evidence shall be a letter from the stated agencies.
 - b. Prior to the commencement of use or establishment of use on the subject parcels, the applicant/development shall work with Golden Gate Highway District and ITD to ensure adequate access meets required standards and traffic impacts are addressed via a traffic impact study and mitigation measures are established and met.
 - i. ITD and Golden Gate Highway District have requested the same condition (Attachment 6a and 6g).
 - c. Prior to the commencement of use or establishment of use, the applicant/developer shall contact in writing all political subdivisions with essential public service jurisdiction to request an analysis of potential impacts to essential services. All conditions and mitigation measures shall be met prior to commencement of use.
 - d. "Utility Facility" shall be included as prohibited.
- The conditions have been incorporated into the development agreement conditions (Attachment 1).
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0029.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Hearing Examiner recommends **approval** of Case # CR2022-0029, a conditional rezone of the subject parcels (R36143 & R36155), approximately

145.48 acres, from “A” (Agricultural) to a “CR-M-1” (Conditional Rezone – Light Industrial) zone subject to conditions of the development agreement (Attachment 1).

DATED this _____ day of _____, 2023.

**HEARING EXAMINER
CANYON COUNTY, IDAHO**

Bruce Eggelston, Hearing Examiner;

State of Idaho)

SS

County of Canyon County)

On this _____ day of _____, in the year 2023, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: _____

My Commission Expires: _____

ATTACHMENT A

DRAFT DEVELOPMENT AGREEMENT CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the properties including, but not limited to:
 - a. Golden Gate Highway District (See letter and conditions of approval dated February 28, 2023, Attachment 6a)
 - b. Idaho Transportation Department (See letter and conditions of approval dated March 29, 2023, Attachment 6g)
 - c. Boise Project Board of Control (See letter dated February 28, 2023, Attachment 6b)
 - d. Idaho Department of Environmental Quality (See letter dated March 10, 2023, Attachment 6c)
 - e. The City of Greenleaf (See letter dated March 22, 2023, Attachment 6f)
 - i. Prior to the commencement of use or establishment of use, the applicant/developer shall work with the City of Greenleaf to provide connection to city water and sewer. If not applicable, the applicant shall work with the Idaho Department of Environmental Quality and Southwest District Health to ensure adequate facilities are provided. Evidence shall be a letter from the stated agencies.
 - ii. Prior to the commencement of use or establishment of use on the subject parcels, the applicant/development shall work with Golden Gate Highway District and ITD to ensure adequate access meets required standards and traffic impacts are addressed via a traffic impact study and mitigation measures are established and met.
 - iii. Prior to the commencement of use or establishment of use, the applicant/developer shall contact in writing all political subdivisions with essential public service jurisdiction to request an analysis of potential impacts to essential services. All conditions and mitigation measures shall be met prior to commencement of use.
2. The subject parcels, R36143 and R3155, approximately 145 acres, are subject to the uses, standards, and requirements of the “M-1” Zone subject to the following ongoing conditions:
 - a. The following uses are prohibited:
 - i. Mineral extraction (short and long-term),
 - ii. Batch plants,
 - iii. Animal cremation services,
 - iv. Animal facility (small and large),
 - v. Animal Hospital,
 - vi. Kennels,
 - vii. Mortuaries, cremation, and funeral home,
 - viii. Impound yard,
 - ix. Sale of salvage goods,
 - x. Mobile or manufactured home sales,
 - xi. Rehabilitation of manufactured/mobile homes, and
 - xii. Utility Facility
 - b. The subject properties shall remain in agricultural use until the time an “M-1” Zone use is established.
 - c. Development shall maintain a 100-foot buffer along all property boundaries that abut property zoned “A” (Agricultural) until such time the adjacent properties are zoned similarly.
 - d. All exterior lighting shall use light fixtures that are shielded downward and shall be directed away from the adjacent properties.
3. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."

Letter of Intent for Judith A. Gross Trust Property

The intention of this application is to conditionally rezone parcel R36143 and parcel R36155. The Peckham Road property is 73.290 acres and is currently zoned M-1 and AG. The project is summarized below as property 1:

The location of this site is on the North side of Simplot Blvd and runs North bounding Peckham Road. This property also includes a Boise Valley Railroad easement.

The proposed access will have the option for an entrance on Simplot Blvd. and/or Peckham Rd, which will be a private road. The total acreage is approximately 73.29 Acres. The developer is proposing a Conditional Rezone from M-1/AG to M-1 for the entire property with the purpose of making the property available for light industrial use.

The request is for a Conditional Rezone the remaining portion of the 73.29 acres to M-1/Light Industrial which will make the property consistent with light industrial property and develop industry compatible land with the Simplot Blvd. and Peckham Road Comprehensive Plan designation.

The Neighborhood Meeting was conducted on Monday, August 1, 2022, at the Greenleaf Community Center at 21513 Main Street in Greenleaf. Four (4) neighbors either owning property near the subject property or living as neighbors to the Judith A. Gross Trust property.

A second property is also a part of this application and contiguous to the 0 Peckham Road property, property 2 is known as 0 Allendale Rd which is a 72.19 Acre Parcel R36155. The site for the second property is located on the North side of Simplot Blvd. with a proposed access entrance on Simplot Blvd., which will be a private road.

The developer is proposing a Conditional Rezone from AG to M-1 for the purpose of making the property available for light industrial use and to provide consistent zoning for expansion of the light industrial property as designated in the Canyon County 2020 Comprehensive plan.

The properties are currently being farmed, flat, no fencing, irrigation structuring, concrete ditches, and pivot systems in place. The plan is to develop the property as light industrial and market the parcels for the development of agricultural processing or compatible light industrial business. The property would be continued to be under agricultural production until such time as an appropriate light industrial project would develop the property.

The proximity to the neighboring commercial farm uses, trailer manufacturing, and the processing plants for agricultural purposes would not affect other uses along the Highway 19/Simplot road or Peckham road and Boise Valley Railroad corridor.

David Ferdinand at 208-899-9232, dferdinandii@gmail.com,

We believe this zoning would conform to the area well as the current comprehensive plan shows Light Industrial.

David Ferdinand at PO Box 914 Nampa, ID 83653 or call David Ferdinand at (208) 899-9232 on behalf of Doug Gross Trustee for the properties.

Sincerely,

David Ferdinand

David Ferdinand Consulting and Real Estate Services
Syme Commercial Real Estate – Patti Syme – David Ferdinand
PO Box 914 Nampa, ID 83653 www.davidferdinand.com

Michelle Barron

From: David Ferdinand <dferdinandii@gmail.com>
Sent: Thursday, December 29, 2022 10:40 PM
To: Michelle Barron
Cc: David Ferdinand; douggross; Patti Syme
Subject: [External] Re: CR2022-0029 Judith A Gross Trust

Michelle: It is great to hear from you and we are grateful for the opportunity to share our vision for the properties in our Conditional Rezone application. The applicant's vision for the light industrial area includes Warehousing, Wholesaling and Distribution facilities, Logistics, Trucking, Moving and Storage, Landscaping, Nursery, Nursery Retail, Manufacturing, assembling, fabricating, processing, packing, repairing, or storage uses.

Therefore, they would like to limit the following allowed in the M-1 Zoning Classification:

Animal cremation service

Animal facility (large): bird farm, calf raising operation, dairy, feedlot, and swine farm¹

Animal facility (small) on 5 acres or more¹

Animal facility (small) on less than 5 acres

Animal hospital

Arena (commercial)

Batch plants

Impound yard²

Kennel

Mineral extraction (long term)

Mineral extraction (short term)³

Mortuaries, cremation, and funeral home

Rehabilitation of manufactured/mobile homes²

Sale of salvage goods²

I will stop by your office to meet you, answer any questions, and provide further insights into this project.

Thank you,

David

DAVID FERDINAND

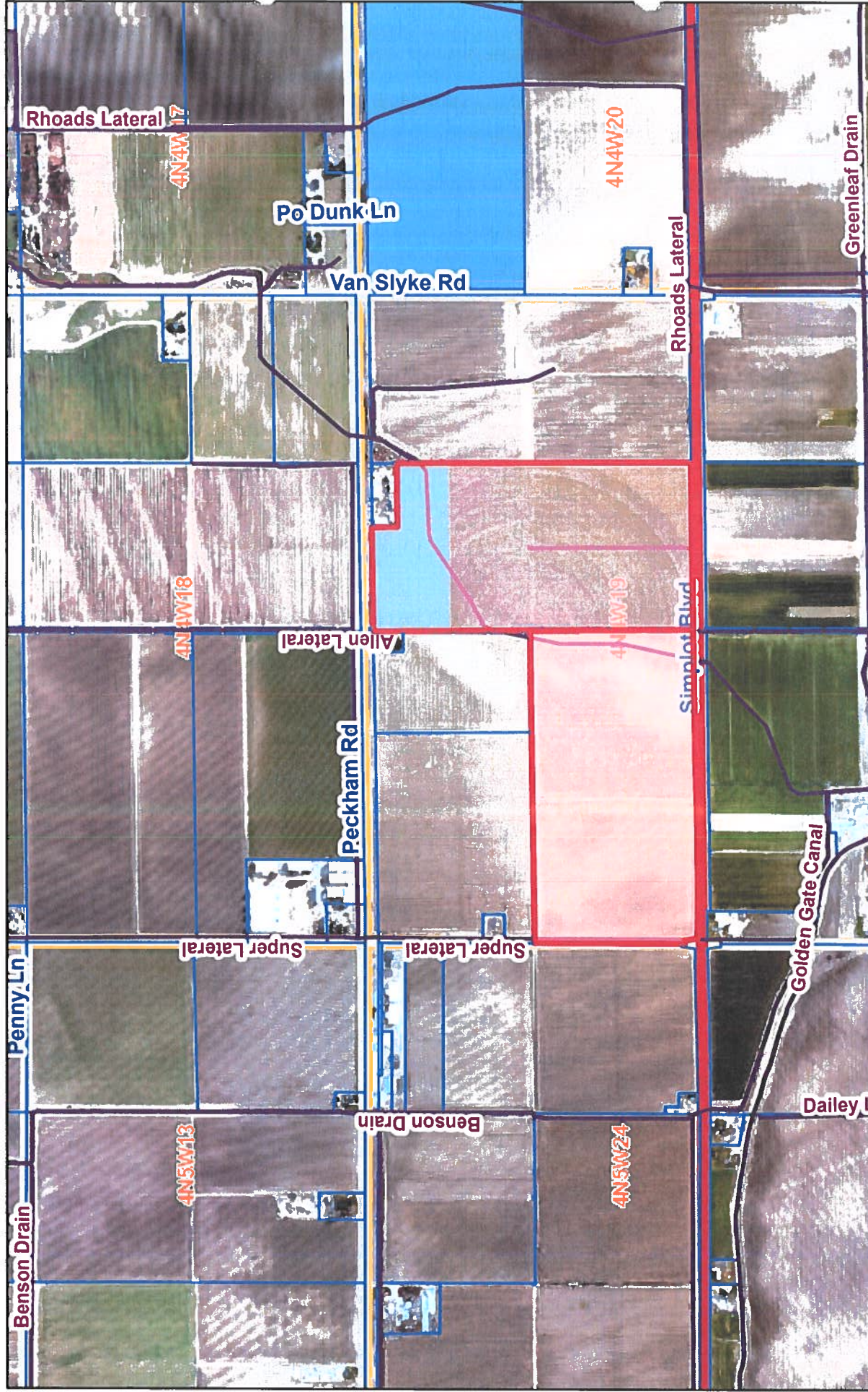
COMMERCIAL REAL ESTATE SERVICES

SYME COMMERCIAL

208-899-9232

Sales – Leasing – Development

Canyon County, ID Web Map



2/15/2023, 3:30:16 PM

1:18,056

0 0.1 0.2 0.35 0.4 mi

0 0.17 0.35 0.7 km

Sections
Canyon County Imagery_2019

County Boundary
Current Impact Area

City Limits

Multiple Parcel Search_Query result
Hydro_NHDFlowline
CanyonCountyRoads

Hwy

Roads
Current Zoning

M1 (LIGHT INDUSTRIAL)

Red: Band_1
Green: Band_2

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri, HERE, Garmin, INCREMENT P, USGS, MET/NASA, EPA, USDA | COMPASS | Nampa GIS | Canyon County Sheriff's Office

Canyon County, ID

LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx

Phone: 208-454-7458

Fax: 208-454-6633



Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. DOMESTIC WATER: ☐ Individual Domestic Well ☐ Centralized Public Water System ☐ City

☐ N/A – Explain why this is not applicable: _____

☐ How many Individual Domestic Wells are proposed? _____

2. SEWER (Wastewater) ☐ Individual Septic ☐ Centralized Sewer system

☐ N/A – Explain why this is not applicable: _____

3. IRRIGATION WATER PROVIDED VIA:

☒ Surface ☐ Irrigation Well ☐ None

4. IF IRRIGATED, PROPOSED IRRIGATION:

☒ Pressurized ☒ Gravity

5. ACCESS:

☒ Frontage ☐ Easement Easement width _____ Inst. # _____

6. INTERNAL ROADS:

☐ Public ☐ Private Road User's Maintenance Agreement Inst # _____

7. FENCING ☐ Fencing will be provided (Please show location on site plan)

Type: _____ Height: _____

8. STORMWATER: ☐ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches

☐ Other: _____

9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY: (i.e. creeks, ditches, canals, lake)

Canal

RESIDENTIAL USES

1. NUMBER OF LOTS REQUESTED:

- ☐ Residential _____ ☐ Commercial _____ ☐ Industrial _____
☐ Common _____ ☐ Non-Buildable _____

2. FIRE SUPPRESSION:

- ☐ Water supply source: _____

3. INCLUDED IN YOUR PROPOSED PLAN?

- ☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☐ None

NON-RESIDENTIAL USES

1. SPECIFIC USE: _____

2. DAYS AND HOURS OF OPERATION:

- ☐ Monday _____ to _____
☐ Tuesday _____ to _____
☐ Wednesday _____ to _____
☐ Thursday _____ to _____
☐ Friday _____ to _____
☐ Saturday _____ to _____
☐ Sunday _____ to _____

3. WILL YOU HAVE EMPLOYEES? ☐ Yes If so, how many? _____ ☐ No

4. WILL YOU HAVE A SIGN? ☐ Yes ☐ No ☐ Lighted ☐ Non-Lighted

Height: _____ ft Width: _____ ft. Height above ground: _____ ft

What type of sign: _____ Wall _____ Freestanding _____ Other

5. PARKING AND LOADING:

How many parking spaces? _____

Is there is a loading or unloading area? _____

ANIMAL CARE RELATED USES

1. MAXIMUM NUMBER OF ANIMALS: _____

2. HOW WILL ANIMALS BE HOUSED AT THE LOCATION?

☐ Building ☐ Kennel ☐ Individual Housing ☐ Other _____

3. HOW DO YOU PROPOSE TO MITIGATE NOISE?

☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. ANIMAL WASTE DISPOSAL

☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☐ Other: _____

7-21-2022

Dear Neighbor,

This letter is to inform you of a Neighborhood Meeting to give you the opportunity to deliver your comments to the developer of this proposed development. We are required to hold a meeting regarding my client's intention to rezone parcel R36143 & R36155 and is not a hearing but just an informative process that precedes a future hearing.

The intention of the neighborhood meeting is to give neighbors within 600 ft. of the proposed site an opportunity to voice their comments or concerns for an application to potentially rezone approximately 73 and 72 acres. The request is to change the zoning to make it consistent with light industrial property and develop industry compatible land with the Simplot Blvd. and Peckham Road Comprehensive Plan designation.

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is **not** a Public Hearing. Prior to the scheduled hearing date, you will receive an official notification from Canyon County Planning and Zoning regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Rezone is applied.

The Neighborhood Meeting details are as follows:

Date: Monday, August 1, 2022

Time: 6:00 P.M.

Location: Greenleaf Community Center 21513 Main St

Property 1 Description: 0 Peckham Rd property is a 73.29 Acre Parcel.

The project is summarized below:

Site Location: Located on the North side of Simplot Blvd.

Proposed access: The property will be accessed by an entrance on Simplot Blvd. and/or Peckham Rd, which will be a private road.

Total acreage: Approximately 73.29 Acres.

Proposed Action: The developer is proposing a Conditional Rezone from M-1/AG to M-1 for the purpose of making the property available for light industrial use. We look forward to the neighborhood meeting and encourage you to attend. At that time, we will answer any questions you may have.

Property 2 Description: 0 Allendale Rd is a 72.19 Acre Parcel.

The project is summarized below:

Site Location: Located on the North side of Simplot Blvd.

Proposed access: The property will be accessed by an entrance on Simplot Blvd., which will be a private road.

Total acreage: Approximately 72.19 Acres.

Proposed Action: The developer is proposing a Conditional Rezone from AG to M-1 for the purpose of making the property available for light industrial use. We look forward to the neighborhood meeting and encourage you to attend. At that time, we will answer any questions you may have.

Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The county currently has no information on this project.

If you have any Questions prior to the meeting, please contact David Ferdinand at 208-899-9232, dferdinandii@gmail.com,

We believe this zoning would conform to the area well as the current comprehensive plan shows Light Industrial. You can also comment or ask questions via email to dferdinandii@gmail.com or at the contact information below.

David Ferdinand at PO Box 914 Nampa, ID 83653 or call David Ferdinand at (208) 899-9232.

Sincerely,



David Ferdinand

David Ferdinand Consulting and Real Estate Services
Syme Commercial Real Estate – Patti Syme – David Ferdinand
PO Box 914 Nampa, ID 83653 www.davidferdinand.com

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: <u>O Peckham Rd</u>	Parcel Number: <u>R36143</u>	
City: <u>Wilder</u>	State: <u>Idaho</u>	ZIP Code:
Notices Mailed Date: <u>7-22-2022</u>	Number of Acres: <u>7329</u>	Current Zoning: <u>M-1, AG</u>
Description of the Request: <u>Conditional Rezone</u>		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: <u>Patti Syme and David Ferdinand</u>		
Company Name: <u>Syme Real Estate</u>		
Current address: <u>206 S 9th Ave</u>		
City: <u>Caldwell</u>	State: <u>Idaho</u>	ZIP Code: <u>83605</u>
Phone: <u>208-673-9200</u> - <u>208-899-9792</u>	Fax:	
Email: <u>patti@syme.com</u>	<u>dferdinandii@gmail.com</u>	

MEETING INFORMATION

DATE OF MEETING: <u>August 1, 2022</u>	MEETING LOCATION: <u>Greenleaf Community Center</u>
MEETING START TIME: <u>6:00 PM</u>	MEETING END TIME: <u>7:00 PM</u>

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. <u>LEE BRAUN</u>	<u>[Signature]</u>	<u>21073 Po Dunk Ln, Greenleaf, ID</u>
2. <u>Paul Calverley</u>	<u>[Signature]</u>	<u>9396 W. Pardon #83626</u>
3. <u>CAROLYN GIBSON</u>	<u>[Signature]</u>	<u>PO BOX 8 Notes #365 8314</u>
4. <u>Linda Krantz</u>	<u>[Signature]</u>	<u>20498 Akendal Pl. Wilder #3626</u>
5.		
6.		
7.		
8.		
9.		

10.
11.

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17.
18.
19.
20.

NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print):

David Ferdinand

APPLICANT/REPRESENTATIVE (Signature):

David Ferdinand

DATE: 8 / 1 / 2022



Taken from the Southwest corner of Allendale Road and Simplot Blvd looking North along Allendale



Taken from the Southwest corner of Allendale Road and Simplot Blvd looking Northeast across the 2 parcels and down Simplot Blvd.



Taken from the West side of the parcel that runs along Allendale looking West.



From the West side of the parcel that runs along Allendale looking South towards Simplot Blvd.



From the Northwest corner of the property along Allendale Rd looking into the parcel.



From the North side of the Peckham Road property looking East down Peckham Road



On Peckham Road looking Southwest along the property line to the North



From the Northwest corner of the parcel along Peckham Road looking South towards Simplot Blvd



From the Northwest corner of the property looking to the West along Peckham Road



From across Simplot Blvd where the two parcels meet looking North onto the property



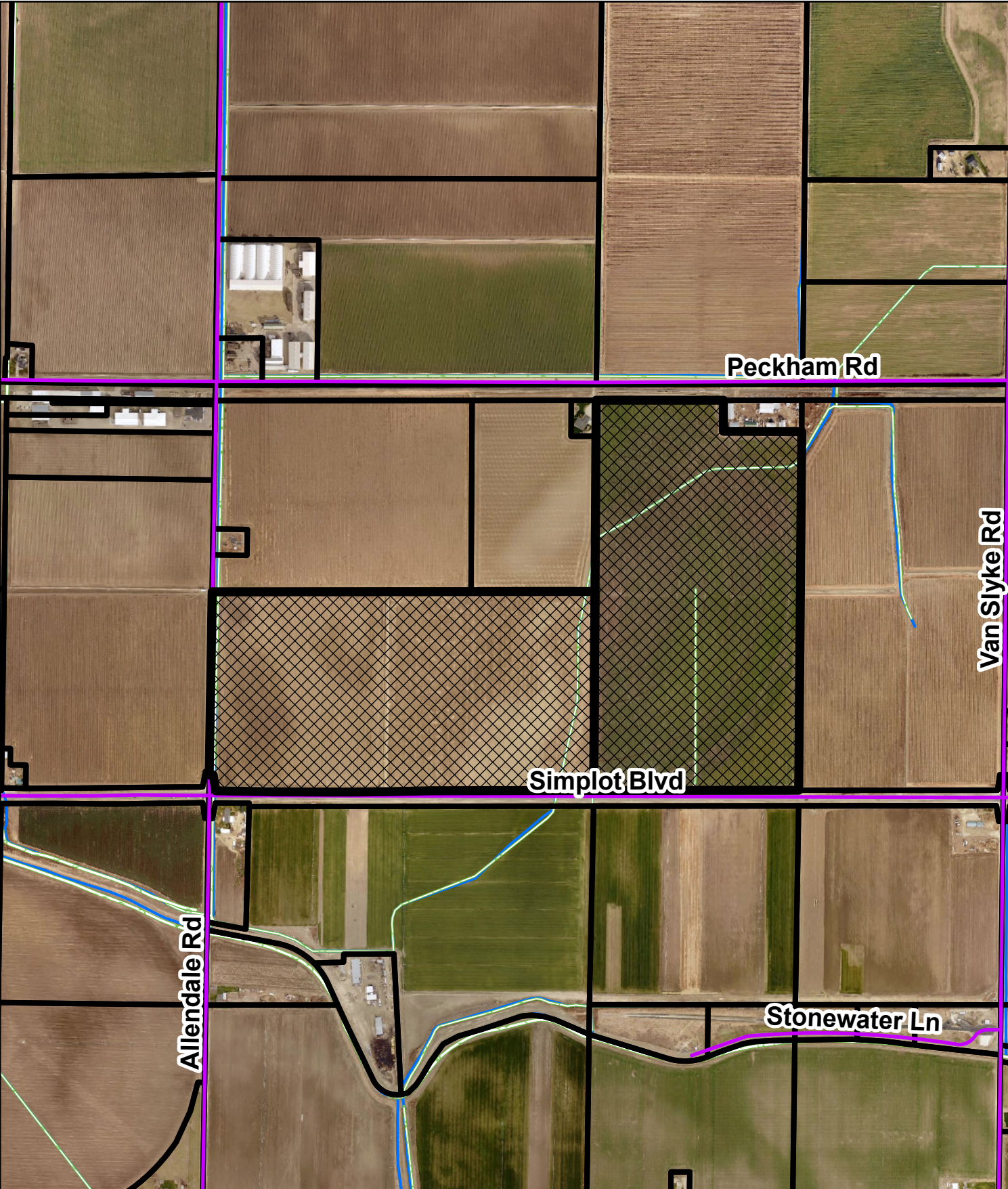
From Simplot Blvd at the Southeast corner of the parcel looking North.





From the Southeast corner of the parcel looking West down Simplot Blvd



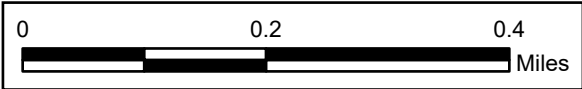
From the Southeast corner of the parcel looking East down Simplot Blvd



Legend

-  Wetlands
-  City_Limits

Attachment 5a



Judith A Gross Trust Small Vicinity Map

Allendale Rd

Peckham Rd

Simplot Blvd

Van Slyke Rd

Stonewater Ln

TAKASUGI SEED FARMS LLC
AC 60.16

CALVERLEY ROSWELL LLC
AC 79.68

WEILMUNSTER FARMGROUND LLC
AC 45.68

HIBBS
AC 21.52

TORRES
AC 0.83

GIBBONS
AC 0.8

GORDON
AC 2.92

TROOST FAMILY LIVING TRUST
AC 75.51

MAXWELL FARMS LLC
AC 59.92

SUBJECT PROPERTY

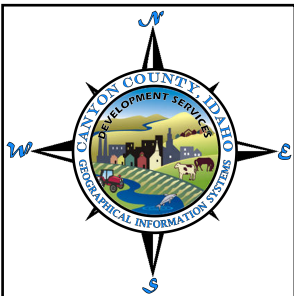
KRANTZ
AC 4.51

GROSS
AC 39.16

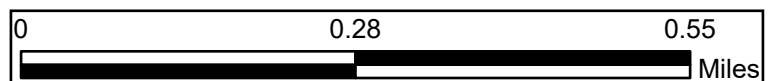
TROOST FAMILY LIVING TRUST
AC 63.21

TROOST FAMILY LIVING TRUST
AC 38.49

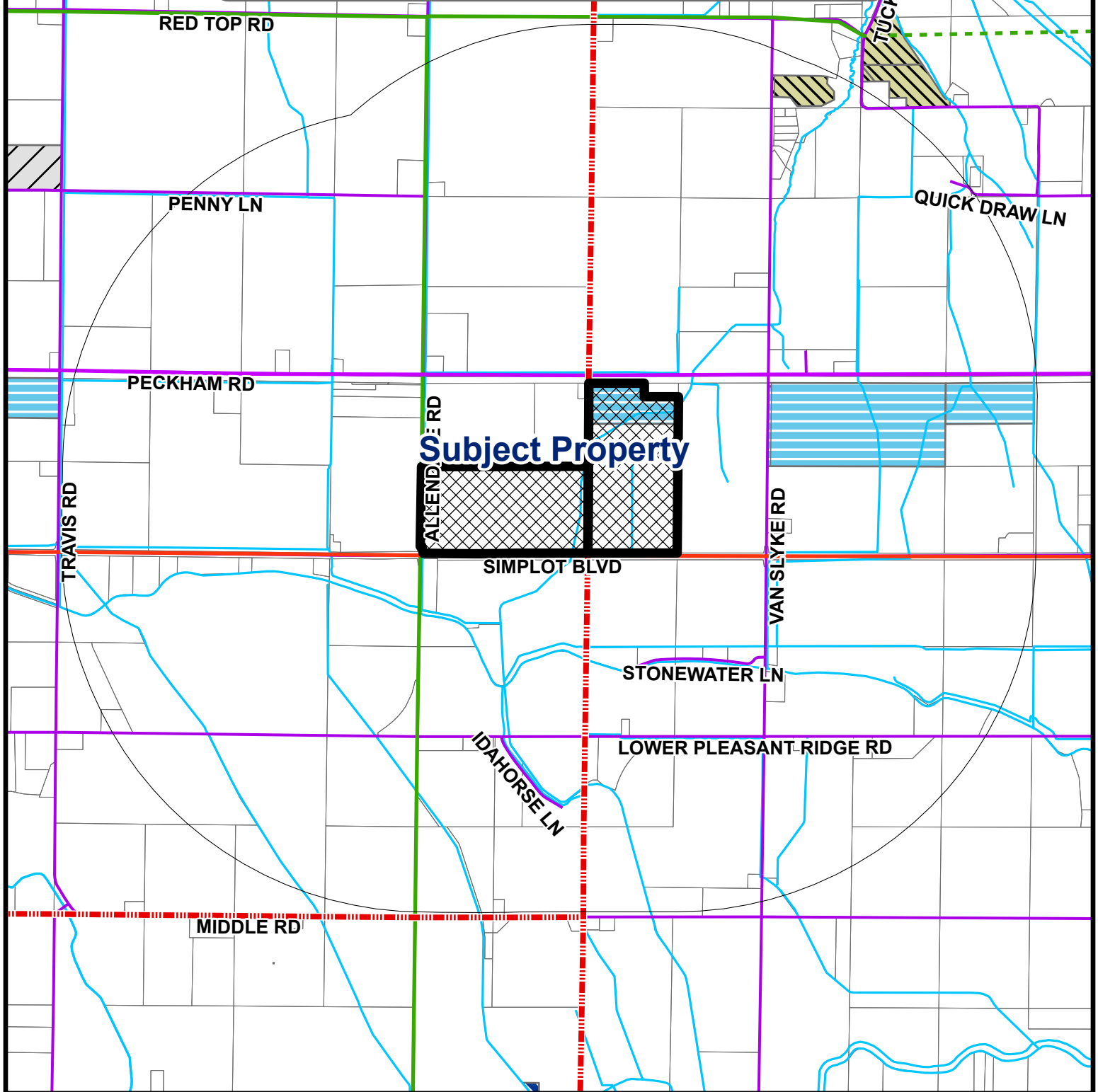
TROOST FAMILY LIVING TRUST
AC 38.42



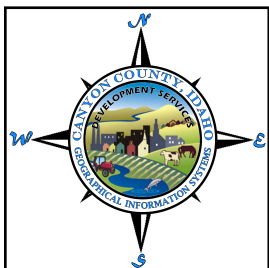
Attachment 5b



Judith A Gross Trust Zoning & Classification Map



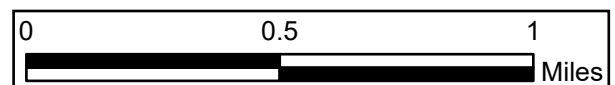
Subject Property



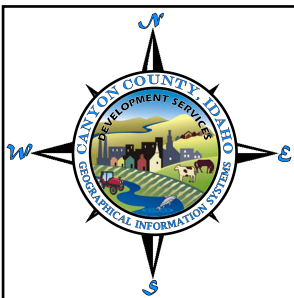
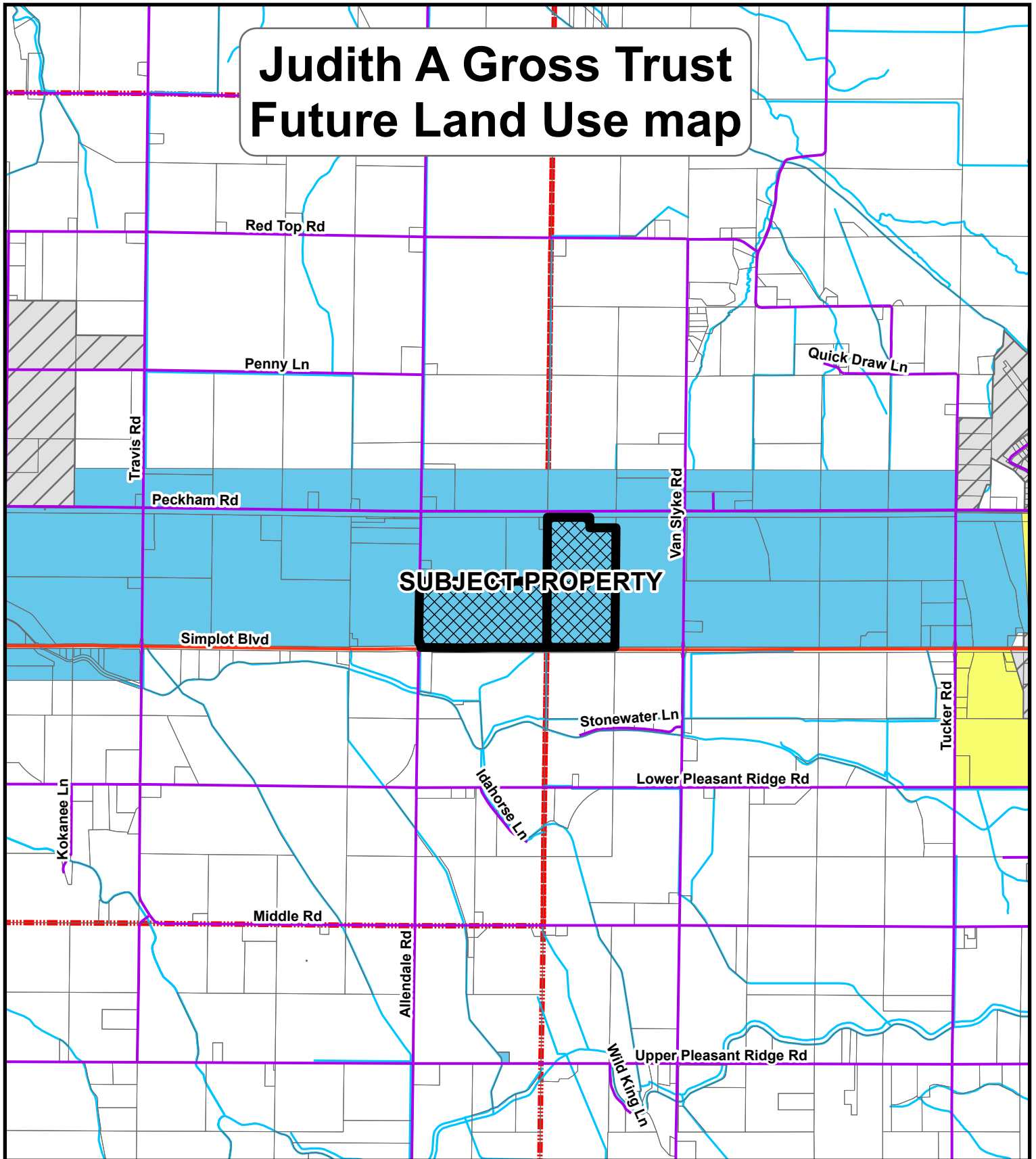
ZONING

	RR		R2		C2		M2
	CR-RR		C		CR-C2		AG
	R1		C1		M1		
	CR-R1		CR-C1		CR-M1		

Attachment 5c



Judith A Gross Trust Future Land Use map

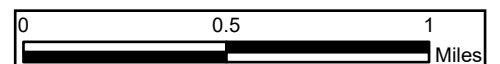


Legend

Future Land Use 2011_2022

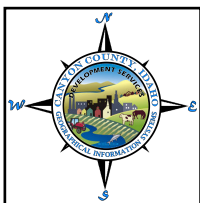
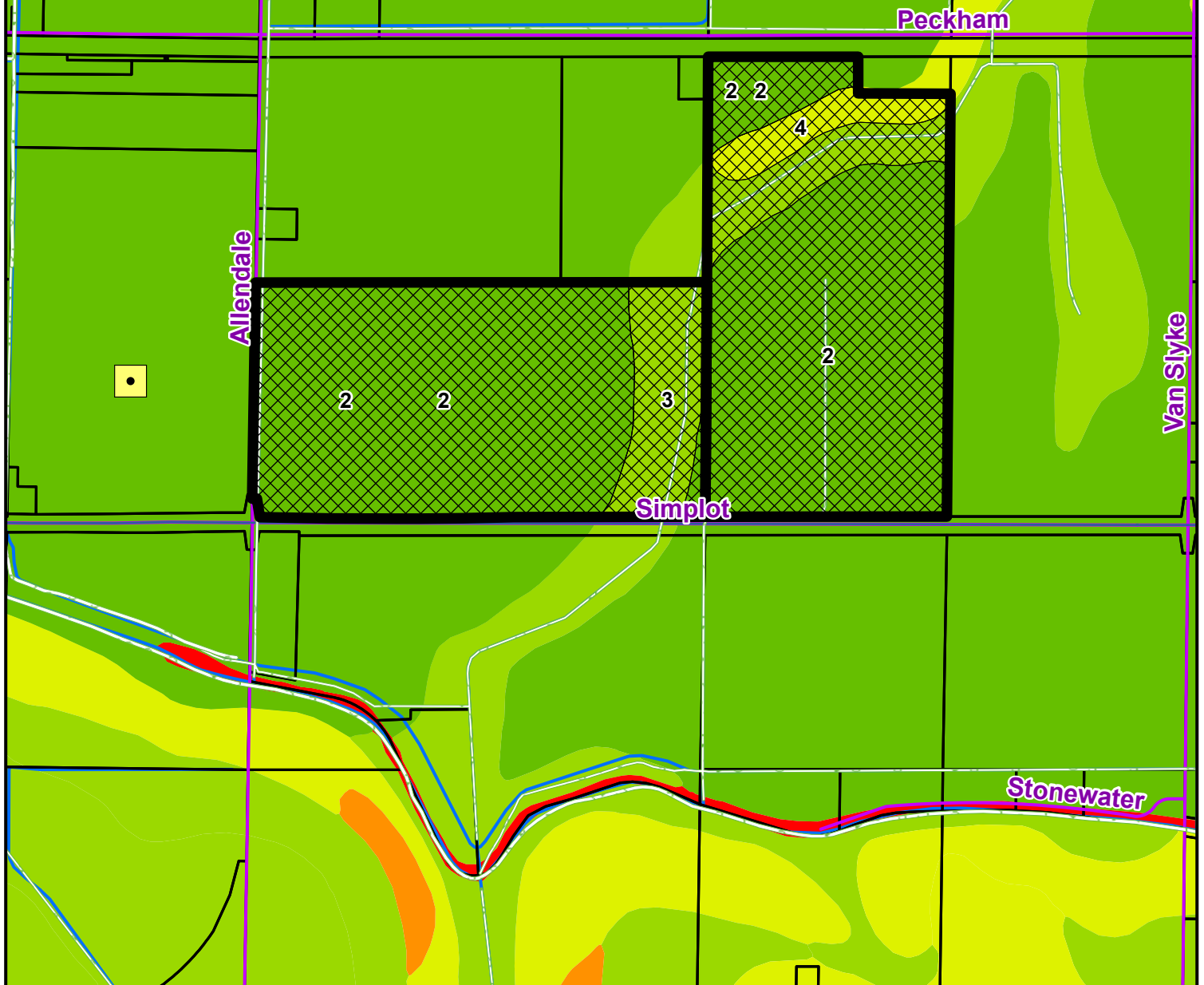
- COMMERCIAL
- INDUSTRIAL
- RESIDENTIAL

Attachment 5d

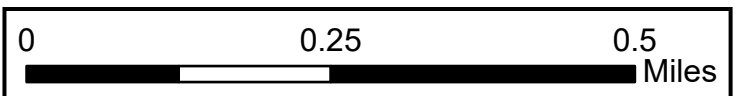


SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Judith A Gross Trust Soil Map



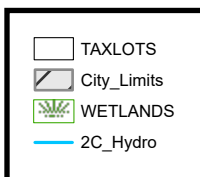
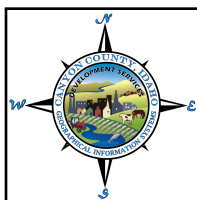
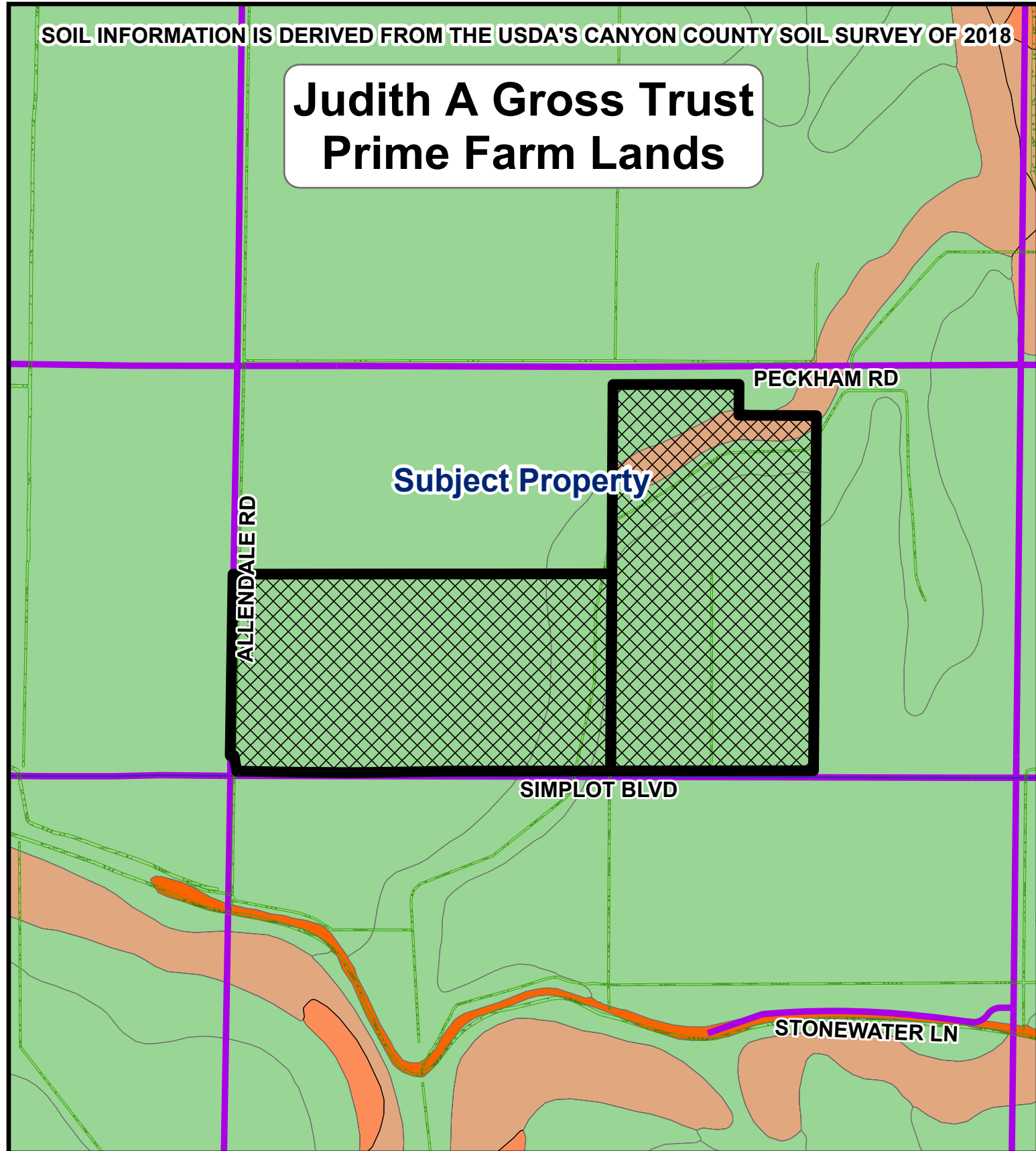
- 0.005000 - 2.000000
- 2.000001 - 5.000000
- 5.000001 - 10.000000
- 10.000001 - 49.800000
- GEO-THERMAL LOCATIONS
- Wetlands



Attachment 5e

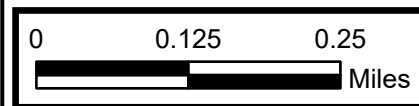
SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018

Judith A Gross Trust Prime Farm Lands



FARMLAND

- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Not prime farmland
- Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
- Prime farmland if irrigated
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and reclaimed of excess salts and sodium



SOIL REPORT

SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
3	MODERATELY SUITED SOIL	872506.80	20.03	9.48%
4	MODERATELY SUITED SOIL	241845.12	5.55	2.63%
2	BEST SUITED SOIL	2353067.64	54.02	25.56%
2	BEST SUITED SOIL	2869427.88	65.87	31.17%
2	BEST SUITED SOIL	2869427.88	65.87	31.17%
		9206275.32	211.35	100%

FARMLAND REPORT

SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
NsB	Prime farmland if irrigated	872506.80	20.03	9.48%
MnC	Farmland of statewide importance, if irrigated	241845.12	5.55	2.63%
GwA	Prime farmland if irrigated	2353067.64	54.02	25.56%
GwA	Prime farmland if irrigated	2869427.88	65.87	31.17%
GwA	Prime farmland if irrigated	2869427.88	65.87	31.17%
		9206275.32	211.35	100%

SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2018



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

February 28, 2023

Canyon County Development Services Department
Attn: Michelle Barron, Planner
111 North 11th Ave., Ste. 310
Caldwell, ID 83605
Phone: (208)455-6033
Email: michelle.barron@canyoncounty.id.gov

RE: Judith A. Gross Trust Property, Parcels #R36143 & 36155 – Conditional Rezone Application Review
Ms. Barron:

On behalf of the Golden Gate Highway District No. 3 (GGHD), J-U-B Engineers, Inc. has reviewed the subject Conditional Rezone submitted to GGHD in an email dated February 27, 2023. The subject parcels are located on the northeast corner of the Simplot Blvd (SR 19)/Allendale Rd intersection near Wilder, ID and in the S1/2 of the NW1/4 (R36155) and W1/2 of the NE1/4 (R36143), Section 19, T4N, R4W, BM.

The application requests a rezone of Parcel #R36143 (Property 1) from M-1/AG to M-1 for the entire property, 73.29 acres, with the purpose of making the property available for light industrial use. Parcel #R36155, with an area of 72.19 acres, is proposed to be rezoned from AG to M-1 for the purpose of making the property available for light industrial use and to provide consistent zoning for the expansion of the light industrial property. Proposed accesses for Property 1 would be from Peckham Rd and/or Simplot Blvd. Property 2 access would be from Simplot Blvd. Peckham Rd is a Major Collector and Simplot Blvd is a Major Arterial according to the GGHD's 2019 Functional Classification Map.

At this time, and based upon said written information provided with the application, the following findings and conditions of approval apply:

1. Proposed development to meet the 2022 Association of Canyon County Highway District Highway Standards & Development Procedures (ACCHD Standards) requirements.
2. Proposed access(es) on Peckham Rd to meet the rural roadway driveway spacing requirements of Section 3061.020 and applicable standard drawings of the ACCHD Standards.
3. Proposed access(es) on Simplot Blvd to meet requirements of and be approved by the Idaho Transportation Department (ITD).
4. A site visit by GGHD and/or ITD representatives is required to address possible site distance issues, if any.

GGHD reserves the right to provide amended comments/conditions of approval in the event of application revision or when additional information becomes available.

GGHD requests Canyon County Development Services incorporate these comments and any subsequent comments into proposed Conditions of Approval for consideration/approval by Canyon County.

Respectfully,

 Digitally signed by
Christopher Pettigrew
Date: 2023.02.28
08:03:35-07:00

Christopher S. Pettigrew, P.E.
Project Manager/Engineer, Transportation Services Group
Technical Resources Team Lead (Central)

CC: Bob Watkins, GGHD Director of Highways

DONALD BARKSDALE
CHAIRMAN OF THE BOARD

FRED BUTLER
VICE CHAIRMAN OF THE BOARD

ROBERT D. CARTER
PROJECT MANAGER

THOMAS RITTHALER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

MARY SUE CHASE
ASSISTANT SECRETARY-
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS

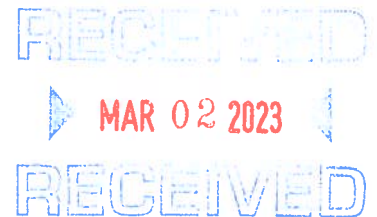
NAMPA-MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

TEL: (208) 344-1141
FAX: (208) 344-1437

28 February 2023

Canyon County Development Services
111 North 11th Ave., Ste. 140
Caldwell, Idaho 83605

RE: Judith A Gross Trust CR2022-0029
Douglas Gross
O Allendale Rd., 0 Peckham Rd.
Wilder Irrigation District W-622-623, 625
Soper Sub Lateral 13+80, 13+90, 30+70
Mayhugh Lateral 15+00, 17+80
Sec.19, T4N, R4W, BM.



Michelle Barron:

The United States' Soper Lateral, Soper Sub Lateral and Mayhugh Drain lies within the boundary of the above-mentioned location. The easement for these laterals and drain is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945)

The Boise Project Board of Control is contracted to operate and maintain these laterals and drains. We assert the federal easement 35 feet from center both directions on the Soper Lateral, 25 feet from center both directions on the Soper Sub Lateral and 40 feet from center both directions on the Mayhugh Drain.

The Boise Project does not approve of landscaping other than gravel within its easements, as this will certainly increase our cost of maintenance. All easements must remain a flat drivable surface and all public/private roads must be located outside of the previous called out easements.

Fencing, gates and pathways (as may be required) must be constructed just off the canal, lateral and drain easement, to ensure public safety and prevent encroachments.

Parking lots, curbing, light poles, signs, etc. and the placing of asphalt and/or cement over Project facility easements must be approved by Boise Project Board of Control prior to construction.

Project facilities and/or easements that parallel, and are within and/or intended to be within road right-of-ways due to any development of this property must be relocated outside of road rights-of-way.

The construction of any roadway crossings must be conducted only during the non-irrigation season when the canal is dewatered. In any case no work shall take place within the easement before the proper crossing agreements have been secured through the Bureau of Reclamation and the Boise Project Board of Control.

Utilities planning to cross any project facility must do so in accordance with the master policies now held between the Bureau of Reclamation and most of the utilities. In any case, no work shall take place within the easement before proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

Crossing agreements must be secured and signed by all parties prior to March 1st of each year. A time schedule for the construction to be done during the non-irrigation season must be approved by Boise Project prior to any activity within Project easements. No construction will be allowed within the easement boundaries of the Boise Project Board of Control facilities after March 15th of each year. However, on a case-by-case basis, overhead utilities and utilities boring underneath a Project facility may be allowed after March 15th if reviewed and approved by the Boise Project.

The piping and relocation of any Lateral, Canal or Drain must be reviewed and approved by the Project and the Bureau of Reclamation and is (to include all appurtenant boxes and/or structures) and must be warranted by the landowner for a period of (5) five-years. The Warrantee Agreement must be secured through the Bureau of Reclamation prior to ANY disturbance of that facility.

Boise Project Board of Control must approve any requests and/or relocation of delivery points prior to construction.

Storm Drainage and/or Street Runoff must be retained on site.

NO DISCHARGE into any live irrigation system is permitted.

Per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement by the landowner, developer and contractors.

This development is subject to Idaho Code 31-3805, in accordance, this office is requesting a full-size hard copy of all plans to include irrigation and drainage plans.

Wording on the preliminary and final recorded plat needs to state that any proposed and/or future usage of the Boise Project Board of Control facilities are subject to Idaho Statutes, Title 42-1209.

Whereas this development is in its preliminary stages, Boise Project Board of Control reserves the right to review plans and require changes when our easements and/or facilities are affected by unknown factors even during the approved construction phase.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,

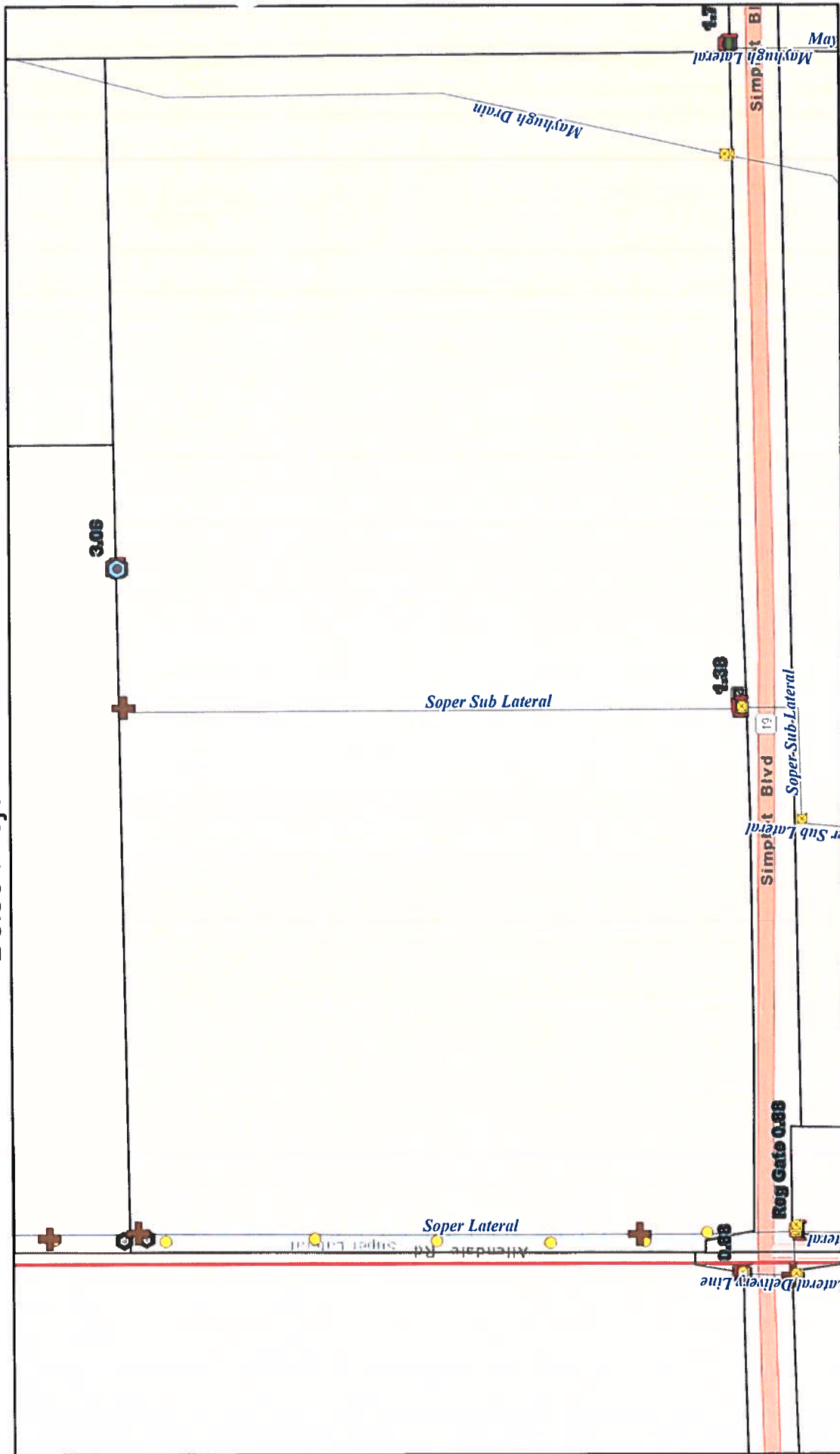
A handwritten signature in black ink, appearing to read 'Thomas Ritthaler', with a long, sweeping horizontal stroke extending to the right.

Thomas Ritthaler
Assistant Project Manager, BPBC

tbr/tr

cc:	Matt Freelove	Watermaster, Div. 5; BPBC
	Lisa Sweet	Secretary – Treasurer, WID
File		

Boise Project Board of Control



2/28/2023, 9:18:11 AM

- Hydro - Canals, Laterals
- Facility Point Features
- 3-Sided Structure
- Cleanout Box
- Weir
- Crossing
- Delivery Box
- Drain Pipe
- Generic Point
- Boise Project Service Area Boundary
- County Parcel Data
- Township, Range, Section

1:4,514
0 0.03 0.06 0.09 0.11 mi
0 0.04 0.09 0.17 km

Bureau of Land Management, State of Oregon GEO, State of Oregon, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, U.S. Forest Service

GIS Mapping
Please Note: Boise Project Board of Control cannot guarantee the accuracy of the information contained on this map. Each user of this map is responsible for determining its suitability for his or her intended use or purpose. No liability is assumed for the accuracy of the data delineated on this

1445 N. Orchard St.
Boise ID 83706 • (208) 373-0550



Brad Little, Governor
Jess Byrne, Director

March 10, 2023

Michelle Barron, Case Planner
Canyon County Development Services
111 No. 11th Ave. Suite 310
Caldwell, ID 83605
michelle.barron@canyoncounty.id.gov

Subject: CR2022-0029, Gross Conditional Rezone of R36143 and R36155

Dear Ms. Barron:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator

c:

2021AEK

Michelle Barron

From: Lila Klopfenstein <lklopfenstein@compassidaho.org>
Sent: Monday, March 13, 2023 3:44 PM
To: Michelle Barron
Cc: Niki Benyakhlef; Alissa Taysom; Bob Watkins; Amy Luft; Josie Gallup; Dan Lister
Subject: [External] COMPASS Development Checklist— Gross Trust (CR2022-0029)
Attachments: Gross Trust Checklist.pdf

Michelle,

Please find the COMPASS development review checklist for Gross Trust (CR2022-0029) attached. Let me know if you have any questions.

Best,

Lila Klopfenstein



Lila Klopfenstein | Associate Planner

Community Planning Association of Southwest Idaho (COMPASS)

700 NE 2nd Street, Suite 200

Meridian, ID 83642

Direct: 208-475-2230 | Main: 208-855-2558

lklopfenstein@compassidaho.org

(COMPASS Regional Data Center Web Page) swidrdc.org



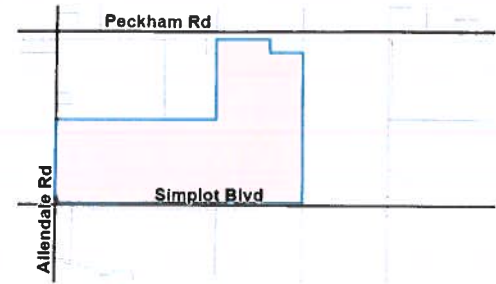
Communities in Motion (CIM) Development Review Checklist

Development Name: CR2022-0029 Gross Trust

CIM Vision Category: Rural

Consistent with CIM Vision? YES

New Households: 0 **New Jobs:** ±400



Safety

How safe and comfortable is the nearest major road (minor arterial or above) for bicyclists and pedestrians? Analysis is limited to existing roadway conditions.

N/A

Pedestrian level of stress N/A

Bicycle level of stress N/A



Economic Vitality

To what extent does the project enable people, government, and businesses to prosper?

Economic Activity Center Access ☒

Impact on Existing Surrounding Farmland ☐

Net Fiscal Impact ☒



Convenience

What services are available within 0.5 miles (green) or 1 mile (yellow) of the project?

Nearest bus stop ☐

Nearest public school ☐

Nearest public park ☐



Quality of Life

Checked boxes indicate that additional information is attached.

Active Transportation

Automobile Transportation ✓

Public Transportation

Roadway Projects ✓



Improves performance



Does not improve or reduce performance



Reduces performance

Comments:

The [COMPASS Complete Network Policy](#) shows State Highway 19 (Simplot Boulevard) as a primary freight and secondary transit corridor. When developing the site plan consider recommendations from the Complete Network Appendix to accommodate freight movement.

Who we are: The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization for Ada and Canyon Counties. This review evaluates whether land developments are consistent with [Communities in Motion](#), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document. Past checklists are available [online](#). See the [Development Review User Guide](#) for more information on the red, yellow, and green checklist thresholds.



www.compassidaho.org



info@compassidaho.org



COMPASS
COMMUNITY PLANNING ASSOCIATION
of Southwest Idaho

Sent: 3/13/23

Complete Network Appendix

Checkmarks (✓) below indicate suggested changes to a site plan, based on the [COMPASS Complete Network Policy \(No. 2022-01\)](#). Both the Complete Network Policy and site-specific suggestions are intended to better align land use with identified transportation uses in the corridor. Please see the Complete Network [map](#) for primary and secondary uses for roadways (minor arterial and above) in Ada and Canyon Counties.

Corridor Name: State Highway 19 (Simplot Boulevard)

Primary Use: Freight

Secondary Use: Public Transportation

Access Management

- ✓ Ensure access points are designed with a turning radius that accommodates freight access where appropriate
- ✓ Separate freight movement from customer movement by locating loading bays on the back side rather than the street side

Parking Management

- ✓ Ensure parking setbacks at alleys and access points preserve the turning radii required for freight access to loading docks

Fiscal Impact Analysis

Below are the expected revenues and costs to local governments from this project. The purpose of this analysis is to help the public, stakeholders, and the decision-makers better manage growth.

Capital and operating expenditures are determined based on service and infrastructure needs, including persons per household, student generation rates, lot sizes, street frontages, vehicle trip and trip adjustment factors, average trip lengths, construction values, income, discretionary spending, and employment densities.

Net Fiscal Impact by Agency

N/A City



County



Highway District

N/A School District

Breakeven point across all agencies: 9 years

Additional Information:

- Highway District fiscal impact is estimated to be positive in stabilization year (on-going impact), however capital costs to state highway system result in breakeven point beyond 20 years.

Disclaimer: This tool only looks out 20 years and does not include replacement costs for infrastructure, public utilities, or unfunded transportation needs in the project area. More information about the COMPASS Fiscal Impact Tool is available at:

www.compassidaho.org/prodserv/fiscalimpact.htm

Long-Term Funded and Unfunded Capital Projects

CIM Priority
Corridor: None

More information on transportation needs and projects based on forecasted future growth is available at:

<https://compassidaho.maps.arcgis.com/apps/instant/portfolio/index.html?appid=6c1eebca233d49c4935825136f338fac>

Short-Term Funded Capital Projects

Peckham Road, US-95 to Notus Road, Canyon County

Regionally Significant: ☐ ☒ Inflated

Key #: 13964

Requesting Agency: Golden Gate HD

Project Year: 2023

Total Previous Allocations: \$746

Total Programmed Budget: \$3,595

Total Cost (Prev. + Prog.): \$4,341

TIP Achievement:

Open Space

Health

Safety

Active Transportation

System Performance



Project Description

Provide improvements on Peckham Road from US-95 in the City of Wilder to Notus Road in the City of Greenleaf in Canyon County, including: roadway rehabilitation, as well as curb, gutter, and sidewalk improvements within the city limits.

Funding Source STBG-R			Program Local Hwy - Rural				Local Match 7.34%		
Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction	Total	Federal Share	Local Share
2023	0	0	0	0	777	2,818	3,595	3,331	264
Fund Totals:	\$0	\$0	\$0	\$0	\$777	\$2,818	\$3,595	\$3,331	\$264

Source: The COMPASS Transportation Improvement Program (TIP). The TIP is a short-range (seven-year) budget of transportation projects for which federal funds are anticipated, along with non-federally funded projects that are regionally significant and is available at:

https://www.compassidaho.org/documents/prodserv/trans/FY22/FY23_29TIPdoc.pdf

CANYON SOIL CONSERVATION DISTRICT



2208 E. Chicago, Suite A
Caldwell, ID 83605
Phone 208-779-3443
Fax 1-877-504-6752

SUPERVISORS: Mike Swartz, Chairman; Robert McKellip Vice Chairman;
Dave Dixon, Secretary/Treasurer; Mike Somerville, Supervisor; & Rex Runkle, Supervisor
ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood
SOIL CONSERVATION DISTRICT STAFF: Lori Kent, Administrative Assistant & Stan Haye, Soil Conservation Technician

March 13, 2023

**To: Dan Lister Planner of Record
Canyon County Development Services**

From: Canyon Soil Conservation District (Canyon SCD)

Subject: Notification to Canyon pursuant to the local use Planning Act

Thank you for sending Canyon Soil Conservation District (SCD) several zoning requests.

They are: CR2023-0003/Pruett, CR2022-0027 & SD2022-0043/Dave Hess, CR2022-0029/Gross Trust, RZ2021-0056 & SD2021-0059/Ardurra, CR2022-0025/ Molenaar-Schram, CR2022-0003/LWD Development Inc. , CR2021-0006 & SD2021-0032/Dembi EStates Subdivision, CR2022-0032/Virgil Iovu, OR2022-0010 & CR2022-0031/Werhane

Comments from Canyon County SCD:

The acreage amounts on the maps are an estimate. Percentages of soils are rounded to a whole number.

CR2023-0003/Pruett- 100% of the soils are class III. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0027 & SD2022-0043/Dave Hess- Appropriate aerial photography was not provided with the zoning request. In order for Soil Conservation District to perform our responsibility it is your responsibility to provide the aerial photography. If you provide the map we will respond with our recommendation.

CR2022-0029/Gross Trust- 81% of the soils are class II and 12% are class III and 4% are class IV. Class II are best suited productive soils in Canyon County with few limitations. Class III have moderate limitations and

All programs and services of the Canyon Soil Conservation District are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, disability, marital or familial status, and political beliefs.

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SOIL CONSERVATION DISTRICT STAFF: Lori Kent; Administrative Assistant & Stan Haye, Soil Conservation Technician

appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

RZ2021-0056 & SD2021-0059/Ardurra-54% of the soils are Class III, 31% are Class IV and 13% are Class VI and 2% water. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0025/ Molenaar-Schram-80% are Class III soils, 10% class IV soils, 2% Class VI and 8% with no Classification. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0003/LWD Development Inc.-Soil Conservation District has no comments.

CR2021-0006 & SD2021-0032/Dembi Estates Subdivision-35% are Class II soils and 65% are Class III. Class II are best suited productive soils in Canyon County with few limitations. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0032/Virgil Iovu-Soil Conservation District has no comments.

OR2022-0010 & CR2022-0031/Werhane-Soil Conservation District has no comments.

Continued Partnership and Conservation.

Sincerely,

Mike Swartz, Canyon SCD Chairman

All programs and services of the Canyon Soil Conservation District are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, disability, marital or familial status, and political beliefs.



United States
Department of
Agriculture

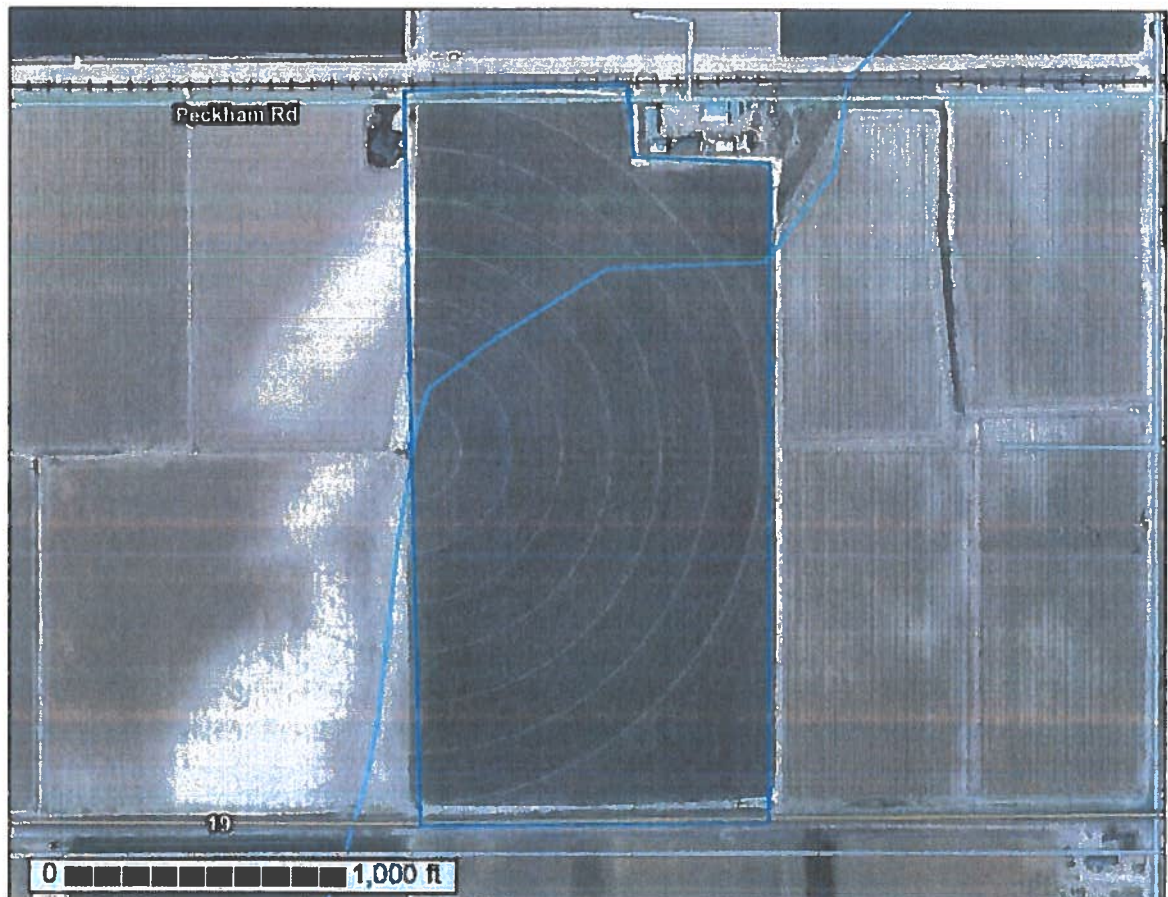
NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

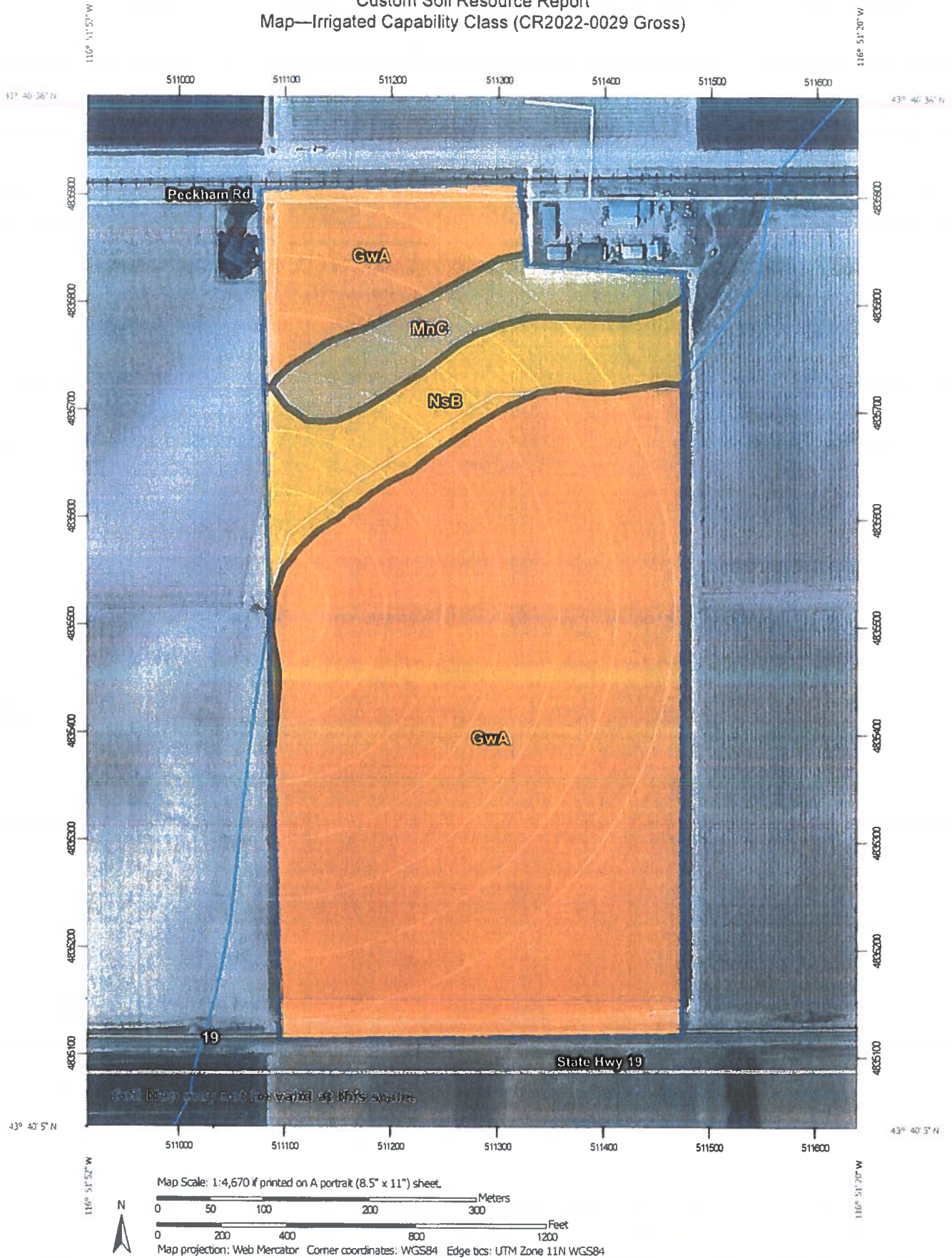
Custom Soil Resource Report for Canyon Area, Idaho

CR2022-0029 Gross







































March 8, 2023

Custom Soil Resource Report Map—Irrigated Capability Class (CR2022-0029 Gross)



Custom Soil Resource Report

MAP LEGEND

 Area of Interest (AOI)	 Capability Class - III
 Soils	 Capability Class - IV
Soil Rating Polygons	 Capability Class - V
 Capability Class - I	 Capability Class - VI
 Capability Class - II	 Capability Class - VII
 Capability Class - III	 Capability Class - VIII
 Capability Class - IV	 Not rated or not available
 Capability Class - V	
 Capability Class - VI	Water Features
 Capability Class - VII	 Streams and Canals
 Capability Class - VIII	Transportation
 Not rated or not available	 Rail's
Soil Rating Lines	 Interstate Highways
 Capability Class - I	 US Routes
 Capability Class - II	 Major Roads
 Capability Class - III	 Local Roads
 Capability Class - IV	Background
 Capability Class - V	 Aerial Photography
 Capability Class - VI	
 Capability Class - VII	
 Capability Class - VIII	
 Not rated or not available	
Soil Rating Points	
 Capability Class - I	
 Capability Class - II	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000

Warning: Soil Map may not be valid at this scale

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL
Coordinate System: Web Mercator (EPSG 3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below:

Soil Survey Area: Canyon Area, Idaho
Survey Area Data: Version 19, Sep 2, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 19, 2021—Apr 21, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Custom Soil Resource Report

Table—Irrigated Capability Class (CR2022-0029 Gross)

Map unit symbol	Map unit name	Rating	Acres In AOI	Percent of AOI
GwA	Greenleaf-Owyhee silt loams, 0 to 1 percent slopes	2	59.7	81.3%
MnC	Minidoka-Scism silt loams, 3 to 7 percent slopes	4	5.3	7.2%
NsB	Nyssaton silt loam, 1 to 3 percent slopes	3	8.4	11.5%
Totals for Area of Interest			73.4	100.0%

Rating Options—Irrigated Capability Class (CR2022-0029 Gross)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



CITY OF GREENLEAF

20523 North Whittier Drive
Greenleaf, Idaho 83626
www.greenleaf-idaho.us

RECEIVED

▶ MAR 27 2023

RECEIVED

Michelle Barron
Canyon County Development Services Department
111 North 11th Avenue, Suite 140
Caldwell, ID 83605

via USPS and E-mail (Michelle.Barron@canyoncounty.id.gov)

22 March 2023

RE: CR2022-0029 COMMENTS

Greetings!

Thank you for providing the City of Greenleaf with opportunity to comment on this application for a conditional use re-zone from "A" (Agricultural) zone to a "CR-M-1" (Conditional Rezone – Light Industrial) zone.

INTRODUCTION

The City of Greenleaf is not in opposition to the application as presented, but does have concerns and recommendations.

APPLICATION ANALYSIS

The City reviewed the application against the Canyon County 2020 Comprehensive Plan Future Land Use Map, Canyon County Code section §7-2-3 (definitions enumerated), §7-6-5 (Zoning Amendment Criteria), §7-6-7 (Conditional Rezone), §7-10-27 (Land Use Regulations Matrix), and the Canyon County Zoning Amendment Checklist (rev. 6/21/22).

The City is appreciative that the applicant has provided a well-written letter-of-intent and a mostly complete application. The City is also appreciative that the applicant held a neighborhood meeting, and that the applicant is proposing restriction of use by development agreement as a condition of the re-zone.

The application appears to conform to the Canyon County 2020 Comprehensive Plan Future Land Use Map.

The application appears to address most of Canyon County Code §07-06-07:6:A Standards of Evaluation for a Conditional Rezone, which mirrors the requirements of §7-6-7(1) Zoning Amendment Criteria in slightly different order. However, the

RE: CR2022-0029 Comments, p.1 of 6



CITY OF GREENLEAF

20523 North Whittier Drive
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application does not appear to address standards #5, #6, and #8 of §07-06-07:6:A, which are as follows:

5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;

6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

DISCUSSION OF CONCERNS IN THE APPLICATION SUBMITTED

The applicant indicates the conditional re-zone of the property is being sought with intent for future M-1 light industrial development with development agreement for conditional use restrictions.

The applicant appears to be pre-positioning for future, currently undetermined, M-1 light industrial development, and is therefore unable at this time to fully address Canyon County Code 07-06-07:6:A Conditional Rezone standards of evaluation #5 (adequate facilities and uses), #6 (impact on public streets and traffic patterns), and #8 (impact on essential public services and facilities) in the application.

The potential land uses per Canyon County Code §07-10-27 (Land Use Regulations Matrix) remaining after proposed CR-M-1 application restrictions include some that may, depending on scale of development, have significant need for sewer, water, drainage, irrigation and utility facilities and/or services (standard of evaluation #5), and/or need for improvement to public roads and traffic patterns (standard of evaluation #6), and/or require increased service levels from essential public services and facilities, such as schools, police, fire and emergency medical services (standard of evaluation #6).

RE: CR2022-0029 Comments, p.2 of 6



CITY OF GREENLEAF

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*It is imperative that the County take action to address standards #5, #6, and #8 of Canyon County §07-06-07:6:A within this application process. **If the County fails to do so, then the public at large is at risk of financially subsidizing future development** when political subdivisions of the State are forced to provide increased services in these areas to accommodate the public's need caused by development, without the mitigation from development that is available through this conditional rezone application process.*

The applicant has expressed that their vision for M-1 light industrial use of the property includes the following:

- Warehousing
- Wholesaling and distribution facilities
- Logistics
- Trucking
- Moving and Storage
- Landscaping
- Nursury
- Nursury retail
- Manufacturing
- Assembling
- Fabricating
- Processing
- Packaging
- Repairing
- Storage uses

The applicant is proposing restriction of use by development agreement as a condition of the re-zone, including exclusion of the following allowed M-1 uses under Canyon County §7-10-27 (Land Use Regulations Matrix) on the property:

- Animal cremation services
- Animal facility (large)
- Animal facility (small)
- Animal hospital
- Arena (commercial)
- Batch plants
- Impound yard
- Kennel
- Mineral extraction (long term)

RE: CR2022-0029 Comments, p.3 of 6



CITY OF GREENLEAF

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Mineral extraction (short term)
Mortuaries, cremation, and funeral home
Rehabilitation of manufactured/mobile homes
Sale of salvage goods

The M-1 allowed use “Utility facility” under §07-10-27 (Land Use Regulations Matrix) should also be an excluded use. Utility facility is defined under Canyon County Code section §7-2-3 (definitions enumerated) as:

UTILITY FACILITY: Any facility providing utility services including, but not limited to, building, plants, substations, reservoirs or wastewater treatment plants owned or operated by a utility provider regulated by the Idaho Public Utility Commission or other regulatory agency or political subdivision of the State.

All of the desired uses listed above may, depending upon scale, utilize varying levels of utility services regulated by the Idaho Public Utility Commission, other regulatory agency, or political subdivision of the state, *but would not require publically regulated or publically owned utility facilities on the property.*

Intermountain Gas has natural gas available from Peckham Road. Idaho Power has electrical service available from current substations, and future substation locations identified for increased regional demand that the City does not believe currently include the subject parcel (The City is participating in Idaho Power’s current update to the Western Treasure Valley Electrical Plan). Potable water supply and sanitary sewer treatment, if needed in quantity requiring a municipal source, should be available from either the City of Wilder or the City of Greenleaf.

Also, and in particular, a waste-water treatment facility (WWTP) that is out-of-balance has potential for objectionable odor and negative impact to surrounding properties that are as bad or worse than several of the excluded uses proposed by the applicant.

It may be notable as a maintenance and operation performance measure that the Idaho Conservation League’s Fifth Annual Idaho Wastewater Treatment Plant Report dated 07 Sep 2022 included the Greenleaf WWTP as one of 28 cities in the State with zero discharge violations between 2019 and 2021, placing Greenleaf with Star as the only municipal WWTPs in Ada and Canyon Counties with zero discharge violations. This report is available at: https://drive.google.com/file/d/1u_QZsKkwpuKeZL6-oKUzj8tuA46CCY5e/view

RE: CR2022-0029 Comments, p.4 of 6



CITY OF GREENLEAF

20523 North Whittier Drive
Greenleaf, Idaho 83626
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SUMMARY AND CONCLUSION

The application appears to be as complete as it can be without identification of specific M-1 land use. The County needs to include provisions in this application process to address Canyon County Code 07-06-07:6:A Conditional Rezone standards of evaluation #5, #6, and #8 in order to limit the risk of the public financially subsidizing future development needs on the property. "Utility facility" should be added to the list of excluded uses.

RECOMMENDATIONS

The City's recommends and requests the following actions to the County regarding Canyon County Code 07-06-07:6:A Conditional Rezone standards for evaluation #5, #6, and #8 as follow:

Standard #5 – Normal development processes, including compliance with building codes, plumbing codes, and other State and local government regulation should adequately protect the public from future utility needs of the majority of potential uses, as the developer determines the utility facilities and services to support the capacity needs of the intended use.

The County should consider including *provision in the development agreement which reflects that standard #5 was not addressed and therefore requires as a condition of the development agreement that the developer work proactively to meet any and all requirements of the applicable jurisdictions for sewer, water, drainage, irrigation, or other utility service provision to the property.*

It may, or may not, be notable that, if needed, the City of Greenleaf currently has both water and sewer capacity available in these municipal systems, and that the City currently provides waste-water treatment services to an industrial customer outside the city limits through a privately owned force-main sewer line which delivers into the City's sanitary sewer collection system.

Standard #6 – There is significant risk that if a high road impact land use development is pursued, the local highway jurisdiction may not have a practical 'trigger' or process available to identify and require mitigation, especially if the land use is "A" allowed on the Canyon County Code 07-10-27 Land Use Regulations (Matrix) and not restricted per development agreement.

RE: CR2022-0029 Comments, p.5 of 6



CITY OF GREENLEAF

20523 North Whittier Drive
Greenleaf, Idaho 83626
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The County should consider including *provision in the development agreement which reflects that standard #6 was not addressed and therefore requires as a condition of the development agreement that the developer perform a traffic impact study (TIS) once the land use has been determined per Canyon County Code 07-10-27 Land Use Regulations (Matrix) and as conditioned by the CR-M-1 application process, and work proactively to meet any and all requirements of the applicable local highway jurisdiction.*

Standard #8 – Similar to Standard #6 above, there is significant risk that some of the potential land uses may have impact on public service levels or require new public assets to provide an acceptable service level. Unlike Standard #6 above, an equivalent to the TIS does not exist for one-stop professional analysis of essential public service needs of multiple various agencies.

The County should consider including *provision in the development agreement which reflects that standard #8 was not addressed and therefore requires as a condition of the development agreement that the developer contact in writing all of the political subdivisions with essential public service jurisdiction utilizing the same general process as required by State Code for agency notification of a Public Hearing including description of the development and land use, and with request for analysis of potential impact to essential public services provided by that agency and any requested mitigation. The condition should also require that the developer work proactively to meet any and all requirements of the applicable jurisdictions for mitigation of essential public services.*

The City also recommends and requests *addition of "Utility facility" to the M-1 uses restricted in the development agreement as a condition of the re-zone, for the reasons given in the above discussion of concerns.*

Respectfully Submitted,

Lee C. Belt
City Clerk / Assistant Zoning Official
City of Greenleaf

RE: CR2022-0029 Comments, p.6 of 6



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

March 29, 2023

Michelle Barron
Canyon County Development Services
111 N. 11th Ave., Suite 310
Caldwell, ID 83605

VIA EMAIL

Development Application	CR2022-0029
Project Name	Gross Trust
Project Location	N side of SH-19 @ approx. MP 11.8
Project Description	Conditional Rezone from "A" (Agriculture) to CR-M-1 (Conditional Rezone – Light Industrial)
Applicant	David Ferdinand, representing Judith A. Gross Trust and Douglas Gross

The Idaho Transportation Department (ITD) reviewed the referenced conditional rezone application and has the following comments:

1. This parcel abuts the state highway system on SH-19.
2. Currently, ITD has no objections to this conditional rezone applications. However, we would like to offer the following conditions for considerations:
 - a. Once conceptual plans for development is available, ITD reserves the right to review in order to determine if a TIS will be required.
 - b. Per the Idaho Administrative Procedures Act (IDAPA) 39.03.42.400.07(b) developments should, if possible, take access from local roads. If a development wants access to the State Highway system and there is local road access available, the applicant must prove the need for an access on the State Highway system with a Traffic Impact Study.
 - c. Connection to or modification of an existing access to the State Highway system will require a permit from ITD.

If you have any questions, you may contact me at (208)334-8337.

Sincerely,

Niki Benyakhlef
Development Services Coordinator
Niki.Benyakhlef@itd.idaho.gov

Michelle Barron

From: Flo Ghighina <Flo.Ghighina@itd.idaho.gov>
Sent: Friday, March 10, 2023 12:36 PM
To: Michelle Barron
Subject: [External] Gross HE Rezone - Case No. CR2022-0029

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Michelle,

The Idaho Div of Aeronautics has received info from Canyon County Development Services for the above mentioned case, and subsequent to our internal aeronautical study, we have determined that this project in its current location will not be a hazard to air navigation or the safety of air operations in the immediate area. Based on this evaluation, the Idaho State Division of Aeronautics has no objection to the project.

Flo Ghighina

Flo Ghighina
Airport Inspector/Obstructions Evaluator
Idaho Division of Aeronautics
1390 West Gowen Rd.
Boise, ID 83705
Office: 208-334-8895
Fax: 208-334-8789



Michelle Barron

From: Doug Critchfield <critchfielddd@cityofnampa.us>
Sent: Wednesday, March 8, 2023 11:12 AM
To: Michelle Barron
Cc: Rodney Ashby; Caleb Laclair
Subject: [External] RE: [External]Agency Notice Gross / CR2022-0029

Follow Up Flag: Follow up
Flag Status: Completed

Michelle – Nampa has no comments on this proposal. Thank you

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Sent: Wednesday, March 8, 2023 10:21 AM
To: '3tjj@frontiernet.net' <3tjj@frontiernet.net>; Media - KBOI Radio News <670@kboi.com>; Addressing <Addressing@cityofnampa.us>; 'admin1@kunalibrary.org' <admin1@kunalibrary.org>; 'admin2@kunalibrary.org' <admin2@kunalibrary.org>; 'aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; AJ Mondor <AJ.Mondor@canyoncounty.id.gov>; 'alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'ann_jacops@hotmail.com' <ann_jacops@hotmail.com>; 'aperry@cityofcaldwell.org' <aperry@cityofcaldwell.org>; 'Aubrie.hunt@dhw.idaho.gov' <Aubrie.hunt@dhw.idaho.gov>; Daniel Badger <BadgerD@cityofnampa.us>; 'BKINNEY@IDAHOPOWER.COM' <BKINNEY@IDAHOPOWER.COM>; Brandon Flack <brandon.flack@idfg.idaho.gov>; 'brentc@brownbuscompany.com' <brentc@brownbuscompany.com>; Brian Graves Kuna SD <bgraves@kunaschools.org>; 'brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov>; 'BRO.Admin@deq.idaho.gov' <BRO.Admin@deq.idaho.gov>; 'brock.cornell@isda.idaho.gov' <brock.cornell@isda.idaho.gov>; Bryce Farris - Drain District 2 <bryce@sawtoothlaw.com>; Canyon Highway District Land Division <lrccio@canyonhd4.org>; 'CARL@BLACKCANYONIRRIGATION.COM' <CARL@BLACKCANYONIRRIGATION.COM>; 'cdillon@usbr.gov' <cdillon@usbr.gov>; 'cenww-rd@usace.army.mil' <cenww-rd@usace.army.mil>; Char Tim <timc@cityofnampa.us>; Cheryl Sanderson Caldwell Schools <casanderson@caldwellschools.org>; 'CHOPPER@CANYONHD4.ORG' <CHOPPER@CANYONHD4.ORG>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; Cortney Stauffer <cstauffer@nsd131.org>; 'craigbrown@cwidaho.cc' <craigbrown@cwidaho.cc>; Doug Critchfield <critchfielddd@cityofnampa.us>; Dan Everhart <dan.everhart@ishs.idaho.gov>; Danielle Horras <drhorras@kunaschools.org>; Darlene Leon <dleon@nsd131.org>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'deb0815@yahoo.com' <deb0815@yahoo.com>; Destination Caldwell <info@destinationcaldwell.com>; 'dgeyer@cityofcaldwell.org' <dgeyer@cityofcaldwell.org>; 'dholzhey@marsingschools.org' <dholzhey@marsingschools.org>; Diana Little <Diana.Little@canyoncounty.id.gov>; 'djharrold@frontier.com' <djharrold@frontier.com>; dpopoff@rh2.com; Drainage District 2 <drain.dist.2@gmail.com>; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; 'eddy@nampahighway1.com' <eddy@nampahighway1.com>; 'edward_owens@fws.gov' <edward_owens@fws.gov>; Elections Clerk <electionsclerk@canyoncounty.id.gov>; Erika Olvera <eolvera@nmid.org>; 'facjhill@gmail.com' <facjhill@gmail.com>; 'farmerhouston@gmail.com' <farmerhouston@gmail.com>; 'farmers.union.ditch@gmail.com' <farmers.union.ditch@gmail.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 'GMPRDJENNIFER@GMAIL.COM' <GMPRDJENNIFER@GMAIL.COM>; 'gtiminsky@starfirerescue.org' <gtiminsky@starfirerescue.org>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; Homedale Fire District <homedalefd@gmail.com>; 'horner.marci@westada.org' <horner.marci@westada.org>; Joe Huff <huffj@cityofnampa.us>; ID Agricultural Aviation Assn <idahoooo@gmail.com>; 'IDL_jurisdictional@idl.idaho.gov' <IDL_jurisdictional@idl.idaho.gov>; 'info@parmacityid.org' <info@parmacityid.org>; 'info@snakerivercanyonscenicbyway.org' <info@snakerivercanyonscenicbyway.org>; 'irr.water.3@gmail.com' <irr.water.3@gmail.com>; 'irrigation.mm.mi@gmail.com' <irrigation.mm.mi@gmail.com>; ITD Division of Aeronautics <airport.planning@itd.idaho.gov>; 'ITDD3PERMITS@ITD.IDAHO.GOV' <ITDD3PERMITS@ITD.IDAHO.GOV>;

Michelle Barron

From: Bonnie Puleo
Sent: Thursday, March 9, 2023 10:29 AM
To: Michelle Barron
Subject: FW: [External] RE: Agency Notice Gross / CR2022-0029

Follow Up Flag: Follow up
Flag Status: Flagged

FYI.



Bonnie Puleo

Hearing Specialist

Canyon County Development Services

111 No 11th Ave. Suite 310

Caldwell, ID 83605

bonnie.puleo@canyoncounty.id.gov

(208) 454-6631 *direct*

NEW public office hours **effective January 3, 2023**

Monday, Tuesday, Thursday and Friday

8 am – 5 pm

Wednesday

1 pm – 5 pm

****We will not be closed during lunch hour****

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

From: Robin Collins <rcollins@cityofcaldwell.org>
Sent: Thursday, March 9, 2023 10:09 AM
To: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>
Subject: [External] RE: Agency Notice Gross / CR2022-0029

Bonnie,

The City of Caldwell has no issues with this conditional rezone.

Thanks
Robin



Canyon County Development Services Department
111 North 11th Avenue, Suite 310
Caldwell, Idaho 83606
ATTN: Michelle Barron –RE: Case No. CR2022-0029

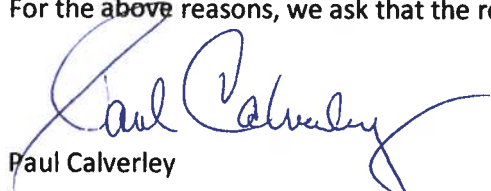
March 23, 2023

Dear Ms. Barron,

My name is Paul Calverley. My wife and I own approximately 80 acres of Class 1 prime farmland directly across Peckham Road, from one of the parcels described in Case No. CR2022-0029 (Request for rezone from Agriculture to Light Industrial). The property in question has been designated as Class 1 prime agricultural as well. The Canyon County Comprehensive Plan has encouraged the retention of Agriculture zoning on viable tracts.

A Light Industrial zone designation allows for the division of a parcel to be subdivided into various small parcels used for a wide variety of purposes (50+). Many purposes are not compatible with practices related to intensive agriculture common to adjoining properties. The applicant has not identified nor submitted a plan for the specific use and need for a rezone for parcels of this size (145 acres). The parcels are a long distance away from city sewer and water services. The road system is not capable of providing accelerated use which potentially would occur with a rezone.

For the above reasons, we ask that the rezone request from Agriculture to Light Industrial be denied.



Paul Calverley

Paul and Harriet Calverley
9396 W Pandion Court
Garden City, ID 83714

RECEIVED
MAR 27 2023
RECEIVED
Attachment 7



Findings of Fact, Conclusions of Law, Conditions of Approval and Order
Conditional Rezone – RZ2021-0042

Findings of Fact

1. The applicants, Ryan and Tanya Robinson, represented by Todd Lakey, are requesting a conditional rezone of Parcel R36137010 from an “A” (Agricultural) Zone to an “CR-M-1” (Conditional Rezone - Light Industrial) Zone. The request includes a development agreement with conditions of approval that restrict uses and minimizes impacts to surrounding agricultural uses and properties (Attachment A). The 19.82-acre property is located on the corner of Van Slyke Road and Peckham Road, Wilder; also referenced as a portion of the SE¼ of Section 18, T4N, R4W, Canyon County, Idaho.
2. The subject property is zoned “A” (Agricultural). The Canyon County Future Land Use Plan within the 2020 Canyon County Comprehensive Plan designates the subject property as “industrial”.
3. The subject property is located within the Greenleaf Area of City Impact. Greenleaf designates the area as “commercial” and “agricultural” in Greenleaf’s Comprehensive Plan.
4. The subject property is located within the Golden Gate Highway District #3, Wilder Fire District, Wilder School District, and the Boise Project Board of Control.
5. A neighborhood meeting was conducted on June 15, 2021 in accordance with CCZO Section 07-01-15.
6. On January 6, 2022, the Planning and Zoning Commission recommended approval of the request subject to conditions of the development agreement.
7. Notifications were completed in compliance with CCZO §07-05-01. Affected agencies and the City of Greenleaf were notified on March 11, 2022. Property owners within 600 feet were noticed on March 11, 2022. Idaho Press Tribune published the notice March 13, 2022. The property was posted with a notice on June 14, 2022.
8. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing held on March 29, 2022, and all other documents in case file RZ2021-00042.
 - a. On February 10, 2022, after hearing all public testimony, the Board of County Commissioners requested the hearing of the case be re-noticed to consider denial.
 - b. The item was tabled March 29, 2022, April 10, 2022 and April 20, 2022.

Conclusions of Law

Upon review, the Board of County Commissioners find and concludes the following regarding the Standards of Review for a zoning map amendment (CCZO §07-06-07(6)):

A. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The conditional rezone is consistent with the 2020 Canyon County Comprehensive Plan.

Finding: The 2020 Canyon County Comprehensive Plan designates the parcels as “Industrial”. The subject properties are located within the Greenleaf Area of City Impact. The City of Greenleaf and City of Wilder designate the area along Peckham Road for commercial and industrial uses in their comprehensive plans.

The request is generally consistent with the following goals and polices of the 2020 Canyon County Comprehensive Plan:

- Property Rights Policy No. 1: "No person shall be deprived of private property without due process of law."
- Property Rights Policy No. 8: "Promote orderly development that benefits the public good and protects the individual with a minimum of conflict."
- Population Goal No. 2: "To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs."
- Economic and Social Indicators Policy No. 2: "Support existing business and industry in the county."
- Economic and Social Indicators Policy No. 3: "Encourage broad-based economic development programs that include:
 - a. Natural resources such as agriculture
 - b. Commercial development
 - c. Industrial development
 - d. Tourism expansion and development"
- Economic and Social Indicators Policy No. 4: "Encourage growth of responsible business in Canyon County by recruiting businesses based on their potential job creation and their willingness to have a positive impact on the community."
- Land Use Policy, Commercial and Industrial Policy No. 2: "Encourage industrial development that minimizes adverse impacts on adjacent non-industrial land uses."
- Land Use Policy No. 1: "Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact to surrounding areas."
- Land Use Policy No. 2: "Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate."
- Land Use Goal No. 4: "To encourage development in those areas of the county which provide the most favorable conditions for future community services."
- Land Use Policy No. 9: "Encourage and support land use proposals that are consistent with the community design goals and policies within the county."
- Community Design Policy 5: "Encourage each development to address concerns regarding roads, drainage, stormwater runoff, landscaping, re-vegetation of disturbed areas, underground utilities, and weed control."

B. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: The conditional rezone is not more appropriate than the current zoning designation.

Finding: Pursuant to CCZO Section 07-10-25(7), the purpose of the "M-1" (Light Industrial) zone is to "provide for and encourage the grouping together of light industrial uses capable of being operated under such standards as to location and appearance of buildings and the treatment of the land about them so that they will be unobtrusive and not detrimental to surrounding commercial or residential uses". Properties along and south Peckham Road are designated as industrial on the future land use map within the 2020 Comprehensive Plan. The City of Greenleaf and City of Wilder also designate the area for commercial and industrial uses in their comprehensive plans.

However, the property and majority of the surrounding area is zoned "A" (Agricultural). Pursuant to CCZO Section 07-10-25(1): "The purposes of the "A" Zone are to:

- A. *Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
- B. *Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
- C. *Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
- D. *Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
- E. *Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan."*

The subject parcel and surrounding properties maintain active agricultural uses and character. Within the vicinity, the average lot size is 34.6-acres. The area does not contain industrial uses. Existing business within the general area consist of uses that may be allowed in the "A" Zone. The property consists of best to moderately-suited soils. Approximately 76% of the property is considered prime farmland. Pursuant to the USDA Cropland report (2009), the property and area support the following crops: corn, alfalfa, hops, and dry beans. The area also consist of livestock uses. The area is surrounded by large farm ground with between 70-80 acres each to the south and west and 20-60 acres to the north and east. The area has sporadic placement of dwelling on lots sizes between 2-5 acres. The property is north of Peckham Road where the industrial designation transitions into agricultural.

Although the applicant provided conditions that prohibits impactful uses and requires a development plan prior to any use of the parcel (Attachment A), the Board of County Commissioners finds that without a specific industrial use, the request may be detrimental to the surrounding uses and lifestyles existing currently in the "A" zone. Therefore, this finding cannot be made that the request is more appropriate than the current zoning designation.

C. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: The conditional rezone is compatible with the surrounding land uses.

Finding: Within the general area, the following businesses exist:

- Valley Agronomics (Parcel R36172): Ag. support company.
- Andersons/Lansing Trade Group (Parcel R36172011): Ag. support (Grain facility).
- Allendale Produce Company (Parcel R37077): Produce wholesaler.

The property is near the following zones:

- Parcel R36143 (200 feet south of the subject property): The 73-acre parcel (Gross Judith A. Trust) was partially zoned "M-1" in 2011 (approximately 15.8 acres).
- Parcel R36172 (120 feet south-east of the subject property): The 42.36-acre parcel (Valley Agronomics LLC) was zoned "M-1" in 2011.
- Parcel R36172011 (1,360 feet south-east of the subject property): The 29.75-acre parcel (Lansing Trade Group LLC) was zoned "M-1" in 2011.
- Parcel R36158 (2,620 feet south-east of the subject property): The 36-acre parcel (Takasugi Seed Farms LLC) was partially zoned "M-1" in 2011 (approximately 17.9 acres).
- Parcel R37077 (9,000 feet west of the subject property): The 75-acre parcel (RHG LLC) was partially zoned "M-1" in 2011 (approximately 35.6 acres).

The area is predominately zoned "A" (Agricultural). Within the vicinity, the average lot size is 34.6-acres. The property consists of best to moderately-suited soils. Approximately 76% of the property is considered prime farmland. The area is surrounded by large farm ground with between 70-80 acres each to the south and west and 20-60 acres to the north and east. Because of the existing uses and setting, a development agreement is include providing restricted uses and measures that minimizes potential impacts to the existing uses and character (See Finding D for more details).

D. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The conditional rezone will negatively affect the character of the area.

Finding: The property and majority of the surrounding area is zoned "A" (Agricultural). Pursuant to CCZO Section 07-10-25(1): *"The purposes of the "A" Zone are to:*

- A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;*
- B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;*
- C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;*
- D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and*
- E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan."*

The subject parcel and surrounding properties maintain active agricultural uses and character. Within the vicinity, the average lot size is 34.6-acres. The area does not contain industrial uses. Existing business within the general area consist of uses that may be allowed in the "A" Zone. The property consists of best to moderately-suited soils. Approximately 76% of the property is considered prime farmland. Pursuant to the USDA Cropland report (2009), the property and area support the following crops: corn, alfalfa, hops, and dry beans. The area also consist of livestock uses. The area is surrounded by large farm ground with between 70-80 acres each to the south and west and 20-60 acres to the north and east. The area has sporadic placement of dwelling on lots sizes between 2-5 acres. The property is north of Peckham Road where the industrial designation transitions into agricultural.

Although the applicant provided conditions that prohibits impactful uses and requires a development plan prior to any use of the parcel (Attachment A), the Board of County Commissioners finds that without a specific industrial use, negative impacts to the character of the area are unknown. Therefore, this finding cannot be made that the request will not negatively impact the character of the area.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Adequate facilities and services can be provided to accommodate industrial uses at the time of development.

Finding: Greenleaf city services are not available in the area. Therefore, septic and well is required to support future uses. The property is located within a nitrate priority area. Septic systems and wells are subject to review and permit from Southwest District Health, Department of Environmental Quality and Idaho Department of Water Resources.

Pursuant to the comment letter from Boise Project Board of Control, the Mayhugh Drain/Guess Gulch wasteway bisects the subject property. The canal requires a 90-foot easement (45 feet on each side measured from centerline). Any modifications, encroachments or crossings must be approved by Boise Project Board of Control and Bureau of Reclamation. Storm drainage/runoff must be retained on-site.

F. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: Future development will require review by Golden Gate Highway District #3 to ensure traffic impacts are reviewed and mitigated. However, without a designated use, impacts to Van Slyke Road and Peckham Road are unknown.

Finding: Golden Gate Highway District #3 will require a TIS (Traffic Impact Study) if the trip generation created by future development exceeds 500 trips/day or 50 trips/peak hour. This will be reviewed at the time of access/approach permit.

The Board of County Commissioners finds that without a planned industrial use, potential traffic impacts cannot be adequately addressed; and therefore, this finding can be made.

G. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The property has legal access. Future access will be required from Van Slyke Road via an approach/access permit reviewed and issued by Golden Gate Highway District #3 (GGHD).

Finding: The parcel fronts Van Slyke Road, a minor collector, and fronts Peckham Road, a major collector. The parcel meets County frontage requirements (CCZO Section 07-10-03). Upon review by Golden Gate Highway District #3, the parcel does not access approved by GGHD. An approach permit is required prior to the commencement of use which will include a site visit to address possible site distance issues.

H. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: The conditional rezone is not anticipated to impact essential services. Essential services can accommodate the requested rezone.

Finding: The requested rezone is not anticipated to impact essential services. Future development will require permits (potentially discretionary permits) which will require review by affected agencies. All affected essential services were notified of the request. No comments were received in opposition.


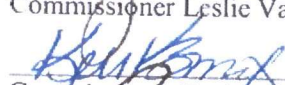
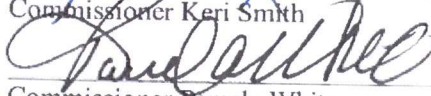
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners **deny** Case #RZ2021-0042, a request to rezone Parcel R36137010 from an "A" (Agricultural) zone to an "CR-M-1" (Conditional Rezone - Light Industrial) zone.

Pursuant to Idaho Code Section 67-6519, the following actions may be taken to obtain approval:

- Provide specific industrial use uses that demonstrates the conditional rezone is more appropriate than the "A" Zone and the use will not negatively impact the character of the area and traffic.

DENIED this 23 day of June, 2022.

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Keri Smith	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 Commissioner Pamela White	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Chris Yamamoto, Clerk

By:
Deputy

Jenew Ross

Date: 6/23/22

ATTACHMENT A

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property.
2. The subject parcel, R36137010, approximately 19.8 acres, are subject to the uses, standards and requirements of the "M-1" Zone subject to the following on-going conditions:
 - a. The following uses shall be prohibited:
 - Vehicle service facility,
 - Mineral extraction,
 - Batch plants,
 - Bulk storage as an accessory use of any flammable liquid above and below ground,
 - Bulk storage for wholesale distribution of any flammable liquid above or below ground,
 - Mortuaries, cremation and funeral home,
 - Banks, hotels, motels and restaurants,
 - Vehicle sales lot,
 - Rendering plant,
 - Ethanol plant,
 - Impound yard,
 - Sale of salvage goods,
 - Firewood sales,
 - Firework sales,
 - Mobile or manufactured home sales,
 - Rehabilitation of manufactured/mobile homes,
 - Slaughterhouse, and
 - Vehicle fueling station with convenience store.
 - b. A food processing facility may be allowed subject to a conditional use permit.
 - c. Prior to commencement of use, platting or building permit issuance, whichever occurs first, an operation plan shall be submitted to Canyon County DSD which includes the following information:
 - i. A site plan demonstrating all structures shall maintain a 100-foot setback from all property boundary lines.
 - ii. A noise management plan demonstrating noise reduction through hours of operation, restricting noise-generating equipment within an enclosed structure, and minimizing outdoor operations to not exceed 100dBA measured from all property boundary lines between 7 PM to 6 AM.
 - iii. An exterior lighting plan demonstrating all exterior light fixtures will be downward facing and shielded to reduce off-site glare to ensure light pollution is minimized;
 - iv. Review and approval from DEQ (Idaho Department of Environmental Quality) to ensure air pollution, wastewater, and public drinking water standards and regulations are met. Evidence shall be a letter from DEQ stating compliance and/or an approved permit;
 - v. A dust management plan demonstrating the control of fugitive dust on the property and internal roads/driveways;
 - vi. Review and approval from Golden Gate Highway District #3 to ensure future development meets all minimum standards and requirements regarding access and traffic generation impacts. Evidence shall be an approved approach permit with any trip generation documents and mitigation measures (if applicable);
 - vii. A landscaping plan shall be submitted to ensure a visual buffer is provided along the east and south boundary. Landscaping shall consist of trees, bushes and other native plants located within a 30-foot-wide buffer. The plan shall include maintenance measures to ensure landscaping and 30-foot-wide buffer are maintained and do not become a public nuisance as defined in Canyon County Code, Section 02-01-05; and
 - viii. Historic irrigation lateral, drain and ditch flow patterns shall be maintained and protected. Modification including any crossings shall be approved in writing by Boise Project Board of Control and Bureau of Reclamation.
3. Any division of the subject parcel shall be completed through the platting process as required by Chapter 7, Article 17 of the Canyon County Zoning Ordinance.